

F B I

Date: 5/30/74

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL

(Priority)

b6
b7c

TO: DIRECTOR, FBI (100-469538)
FROM: SAC, NEW YORK (100-169079) (P)
SUBJECT: THOMAS KING FORCADE aka
SM - YIP (EXTREMIST)
NFA - ITF
(OO: NY)

ReNYreport of SA [redacted] 5/10/74.

Enclosed are copies of the results of a psychological examination which was afforded the subject on 8/18/69, by [redacted] M.D., Phoenix, Arizona. These records were obtained from subject's military Personnel file in St. Louis, Missouri, on 3/5/74, and cannot be disseminated in their present form.

Rerep, page 4, under items "E" and "F" makes mention of the above examination.

An additional violation can be developed if subject has been determined to have been a "mental defective" as outlined in Title 18, USC, Section 922, prior to purchasing firearms in violation of the 1968 Federal Gun Control Laws.

Phoenix is requested to contact [redacted] who in 1969 practiced psychiatry at [redacted] Phoenix, and determined if he will furnish first-hand information concerning subject's examination on 8/18/69. It is noted at that time subject used the name GARY KENNETH GOODSON, DOB 9/11/45. Phoenix should furnish this information in an FD-302 with any attached documents [redacted] may furnish. In sent [redacted] claims patient-doctor relationship advise if subpoena duces tecum would be necessary to obtain these records.

2- Bureau (Encls. 2) (RM)
2- Phoenix (Enc. 1) (RM)
2- Salt Lake City (Enc. 1) (RM)
1- New York
CJL:lpr

55 JUN 12 1974

Approved: _____

Sent _____ M Per _____

Special Agent in Charge

U.S. Government Printing Office: 1972 - 455-574

NY 100-169079

Also noted in subject's military file was information that the subject attended Phoenix College, between June and August, 1963, and that he also attended the University of Utah, Salt Lake City, between 10/63, and 3/66.

LEADS:

PHOENIX

AT PHOENIX, ARIZONA. Verify college attendance.

SALT LAKE CITY

AT SALT LAKE CITY, UTAH. Verify university attendance, and through established source determine if any notations are contained in subject's student file of any medical or psychological disorder observed while subject was a student.

CAUTION - ARMED AND DANGEROUS - EXTREMIST.

AUG 23 1969

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-23-2010 BY 60322/UC/LRP/STP/ETG

PHOENIX, ARIZONA 85006

PRACTICE LIMITED
TO PSYCHIATRY

18 August 1969

Phoenix, Arizona

Re: GOODSON, Airman Gary

Dear

Enclosed please find a report of my findings on the above named patient.

Thank you for the referral of Mr. Goodson.

Sincerely,

CSW/dj

enclosure

100 - 469538 - 189
CAUTION: SPECIAL HANDLING REQUIRED

This material copied from records of National Personnel Records Center, St. Louis, Missouri, to be used for reference only. Do not recopy or disseminate to any original form outside the Bureau.

ENCLOSURE

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PHOENIX, ARIZONA 85006

PRACTICE LIMITED
TO PSYCHIATRY

18 August 1969

GOODSON, Airman Gary

This 23 year old single caucasian male was examined on this date at the request of [redacted] who is a reserve officer with the National Guard. Mr. Goodson is currently on active duty with the Air National Guard of Arizona. He has been noted to sit on the floor of a restroom with a bayonet pointed at his abdomen and then claim that he was cleaning his nails with the bayonet and he also has been noted to be carrying some sash cord in his pocket as well as other bizarre behavior which called him to the attention of the guard and [redacted]

Mental status examination reveals a slender young man of about five feet six inches who is overtly paranoid. He is well oriented as to place, month and year but does not know the day (Tuesday or Wednesday) nor the exact date (August 11 or 12). Marked difficulty in concentrating is noted as well as loosening of associations (constantly feels that people are staring at him, talking about him and trying to mess him up; this occurs both at work and in the guard). Mr Goodson is of estimated bright normal intelligence. Affect is flat and inappropriate. He laughs at very inappropriate moments during the interview. Lately he has felt stared at and does not know why. He guessed that he just looks different. He feels that someone is following him and he feels that he has enemies. People want to hurt him because they are jealous and they are "uptight." He feels that people talk about him all the time and that a lot of people think that he is wrong or an evil person. He denies hallucinations either auditory or visual but says "that it does not make any difference." He feels that people in his business are trying to manipulate him. Unreality to him is half his life. Half the time he feels that things cannot be real. Insight is totally lacking and judgement is markedly impaired.

Brief background history reveals that Mr. Goodson's father allegedly died at age 42, twelve years ago in an automobile accident and the patient was not there at the time. His mother is 50 years of age and lives in Phoenix, Arizona. She is described as "weird" (laughs inappropriately just as the patient does). He says that she is obsessive about everything. He has a 27 year old sister and he thinks that his sister and her children are nuts "although the kids are too young for this to be meaningful." Mr. Goodson, allegedly graduated from the University of Utah with a degree in business

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CAUTION: SPECIAL HANDLING REQUIRED

b6
b7C

CARL BREITNER, M. D.
CARL S. WELLISH, M. D.

909 EAST BRILL STREET
PHOENIX, ARIZONA 85006

PRACTICE LIMITED
TO PSYCHIATRY

254-6597

GOODSON, Airman Gary

-2-

18 August 1969

administration. He joined the Air Force in April 1966 because he thought it would be the easiest service. His basic training was at Amarillo, Texas for one month and then he has been stationed at Phoenix, Sky Harbor Airport since that time. He allegedly lives in his own home and signed up for six years. He has no idea why he was brought here for a Psychiatric examination. Mr. Goodson states he first saw a Psychiatrist at age 15 in Phoenix. At that time the school recommended treatment and he continued to see the Psychiatrist until he graduated from high school. He allegedly received no medication. At age 20 he saw a Psychiatrist in Utah at the recommendation of the school administration and saw the Psychiatrist off and on for six months. He terminated treatment after he graduated. Nine months ago he saw a Psychiatrist in Phoenix and also saw another Psychiatrist in Phoenix. He states that he got a divorce and his wife insisted that he see a Psychiatrist. Mr. Goodson allegedly runs a publishing house here in Phoenix and states that "other people have taken over and I am just a figurehead. I have been coasting on my reputation." He states that his appetite has been poor for a couple of years and that he has put on 100 pounds in the past week. Mr. Goodson's current thoughts are that everybody is out to get him and has been out to get him for the past 18 months. He feels that he was nice to people and they have been stabbing him in the back for the past 18 months because they are sick, really sick. He states that he has a lot of business transactions and too many people are depending on him at the present time for him to be going into the hospital. Finally, Mr. Goodson has been arrested in New York on an LSD charge and is awaiting the outcome of that charge. He feels too that the police in New York have been hasseling him for some time and that they were out to get him.

Diagnosis: Schizophrenia, Paranoid Type.

Recommendations: 1.) In my opinion Mr. Goodson is not fit for active duty at this time and 2.) he should be sent to the Maricopa County Hospital to be observed to see whether or not commitment to the State Hospital is in order. 3.) [] has been informed of my opinion that [] should be in the Maricopa County Hospital for observation and possible commitment to the State Hospital and I believe she will contact the Mental Health Bureau

CAUTION: SPECIAL HANDLING REQUIRED

This material copied from records of National
Psychiatric Institute, 3000 N. 1st St., Phoenix,
Arizona 85004. For information only. No release of
this material in its original form without
the Bureau.

b6
b7C

[REDACTED]

PHOENIX, ARIZONA 85006

PRACTICE LIMITED
TO PSYCHIATRY



GOODSON, Airman Gary

-3-

18 August 1969

in order to see that the proper steps are taken.

b6
b7C



CSW/dj

CAUTION: SPECIAL HANDLING REQUIRED.
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Personnel Records Center, St. Louis, Missouri,
to be used for reference only. Do not copy
or disseminate in its original form outside
the Bureau.

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (100-469538)

FROM : *B/B* SAC, SALT LAKE CITY (100-11575) (RUC)

SUBJECT: *0* THOMAS KING FORCADE, aka
SM - YIP (EXTREMIST)
NFA - ITF
(OO: New York)

DATE: 6/20/74

-189
Re New York airtel to Bureau, 5/30/74.

On 6/5/74 advised records of the University of Utah, Salt Lake City, show GARY KENNETH GOODSON, born 9/11/45, at Hayward, California, attended the University of Utah from the Fall Quarter of the 1963-64 school year to August of 1966, at which time he received a B. S. Degree in Management. The records show he graduated from West High School at Phoenix, Arizona, in 1963 and his parent is listed as KENNETH FORCADE GOODSON, 311 West Edgemont, Phoenix, Arizona. GOODSON's GPA during his attendance at the University of Utah was 2.95 on a 4.0 basis.

b2
b7D

The source stated there is no notation in GOODSON's file of any medical or psychiatric disorder during the time he was a student.

CAUTION - ARMED AND DANGEROUS - EXTREMIST

SL

- ② - Bureau
2 - New York (100-169079)
1 - Salt Lake City

WJG:cj
(5)

REC-67
ST-101

100-469538-190

6 JUN 24 1974



SAC, New York (100-169079)

7/12/74

Director, FBI (100-469538)

1 -

THOMAS KING FORCADE, aka
SM - YIP (EXTREMIST)
NFA - ITF

189
ReNYairtel 5/30/74.

On 7/10/74, the Departmental Attorney handling the National Firearms Act investigation concerning the subject advised that this situation does not appear to have present prosecutive merit. The Departmental Attorney added, however, that prior to furnishing a prosecutive opinion he had referred this situation to another attorney in the General Crimes Section of the Department of Justice who specializes in firearm matters to insure no prosecutive possibilities are overlooked in view of Forcade's potential for violence.

Upon receipt, the prosecutive opinion concerning the foregoing will be furnished to your office.

run
EPM:mcm (4)

NOTE:

Forcade, a NY ADEX subject, is a well-known YIP activist as well as editor and publisher of the Alternate Press Syndicate (formerly known as Underground Press Syndicate), 210 West 10th Street, NY, NY. He has a history of revolutionary associations and related violence, including an 8/23/73 indictment under the National Firearms Act concerning possession and non-registration of two unlawfully made incendiary devices. He was subsequently acquitted of this charge. Above concerns possible violation of Title 18, U.S.C., Section 922, regarding purchase of firearms in PX, Arizona, by subject, a resident of NY State, and has been furnished the Department for prosecutive opinion. Departmental Attorney handling this matter is

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

REC-12

MAILED 9

JUL 1 11974

FBI

MAIL ROOM ☒

TELETYPE UNIT ☐

TJM
EPM

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-23-2010 BY 60322/UC/LRP/STP/ETS

Memorandum

TO : DIRECTOR, FBI (100-469538)

DATE: 7/18/74

FROM : SAC, PHOENIX (100-6630) (P)

SUBJECT: THOMAS KING FORCADE, aka
SM - YIP (EXTREMIST)
NFA - ITF

00: New York

ReNYairtel to Bu, 5/30/74.

Enclosed for the Bureau and New York Division are two copies each of three (3) FD-302s reflecting investigation conducted at Phoenix and in Phoenix suburb, Tempe, Arizona. Two of these FD-302s verify subject's attendance at Phoenix College and Arizona State University (ASU), Tempe, Arizona. The third FD-302 reflects interview of [redacted] who stated at the time of interview he was a member of the Naval Reserves.

The following information of a general nature was provided by [redacted] and it is being set forth inasmuch as it is felt this information may be of some value to the Bureau and New York Division:

the term "mental defective" in a medical sense means retarded and that he assumed no one retarded to be in the service. [redacted] also stated that since the Air Force paid for the examination of GOODSON, he did not think the privilege of the doctor-patient relationship would extend to the military and that he thought the Government would be able to obtain this information from the military without any problem. [redacted] also pointed out that a person's mental condition can change from time to time and that GOODSON's condition very possibly would not have been the same in 1971 when he purchased a gun in Phoenix as in 1969 when ~~GOODSON~~ was examined by him.

ARMED AND DANGEROUS - EXTREMIST.

Z JUL 23 1974

2 - Bureau (Encl.-6)
2 - Phoenix
CLH:lme (6)

2 - New York (100-~~160070~~) (Encl - 6)

CLH: lme (6)

AUG 8 1974 Buy U.S. Savings Bonds Regularly on the Payroll

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 7/12/74

1

[redacted] Student Assistant, Admissions and Records Office, Phoenix College, 1202 West Thomas Road, made available for review a transcript for GARY KENNETH GOODSON, Student Number 332041, date of birth September 11, 1945, place of birth Hayward, California, address 311 West Edgemont Avenue. *Phoenix, Ariz*

This transcript indicated that GOODSON was a citizen of the United States, that he entered Phoenix College in June, 1963, and that his admission was special. *SOC. SEC # 528-68-1135*

A review of this transcript indicated that GOODSON attended Phoenix College during both summer sessions of 1963 and that during the first session, he obtained a "C" in a freshman English course and a "B" in a history of religion course. During the second summer session of 1963, GOODSON took a freshman English course obtaining a grade of "C" and two principles of economics courses obtaining a "C" in one and a "B" in the other.

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The transcript further indicated that GOODSON had a copy of this transcript sent to the University of Utah and to himself on September 6, 1963, and a copy to Arizona State University on July 19, 1967.

With regard to GOODSON's admission shown as special, [redacted] explained that possibly GOODSON did not have a high school diploma when admitted or possibly had a G.E.D. certificate rather than a diploma or something of this nature.

Interviewed on 7/10/74 at Phoenix, Arizona File # Phoenix 100-6630

by SA [redacted]

Date dictated 7/11/74

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 7/15/741

[redacted] Psychiatrist. was interviewed in his office in [redacted] After being advised of the nature of the interview, [redacted] stated that on August 18, 1969, he examined GARY GOODSON, who was born September 11, 1945, at Hayward, California. [redacted] stated that GOODSON, at the time, was a sergeant in the Arizona National Guard and was referred to him by [redacted] in the Air Force Reserve in Phoenix.

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[redacted] stated that the purpose of his examination was to determine whether or not GOODSON should be retained in the Air National Guard. [redacted] stated he sent his report of the examination to [redacted] Arizona Air National Guard, 161st USAF Dispensary, 32nd Street and Watkins Road, Phoenix, Arizona, 85034, and that the Air Force was billed for the examination.

[redacted] stated he was unable to provide any other information regarding his examination of GOODSON due to the confidential nature of a patient-doctor relationship and that if additional information was desired, ideally a release from GOODSON could be obtained or otherwise, a subpoena would be needed.

Interviewed on 7/12/74 at Phoenix, Arizona File # Phoenix 100-6630

by SA [redacted]
and SA [redacted]

100-469538-142
Date dictated 7/15/74

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 7/12/741

[redacted] Evaluator-Recorder, Records Section, Registrar's Office, Arizona State University (ASU), made available records for review which indicate GARY KENNETH GOODSON, date of birth September 11, 1945, at Hayward, California, address 311 West Edgemont, Phoenix, Arizona, Social Security Account Number 528-68-1135, entered ASU September 15, 1967, taking one course during the fall semester of 1967. This course was Research Methods and GOODSON obtained the grade of "B".

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These records further indicate that GOODSON was a college graduate.

Interviewed on 7/11/74 at Tempe, Arizona File # Phoenix 100-6630

by SA [redacted] me Date dictated 7/12/74

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b7C

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

100-469538-111
ENCLOSURE

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-23-2010 BY 60322/UC/LRP/STP/ETG

TO : DIRECTOR, FBI (100-469538) DATE: 8/30/74

FROM : SAC, NEW YORK (100-169079) (P)

SUBJECT: THOMAS KING FORCADE aka
SM - YIP (EXTREMIST)
(OO:NY)

ReNYlet dated 5/30/74, and NYrep of SA [redacted]
[redacted] dated 5/10/74.

Subject continues to reside on West 11th
Street, NYC, at the offices of the Alternate Press
Syndicate.

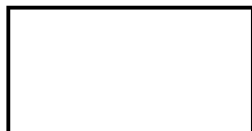
During July, 1974, [redacted] advised that the
subject is not a regular visitor at YIP headquarters on
Bleecker Street, NYC, however, he has observed him at meetings
occasionally.

Referenced report requested the Bureau
to present a National Firearms Act violation to the
Department for a prosecutive opinion as to subject's
criminal activities.

New York has not developed additional information
concerning the subject's activities within the past three
months.

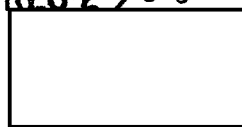
He has not been observed in YIP gatherings to
any great deal.

During July and August, 1974, the following
sources were negative:



EX-107

REC-2 100-469538-193



SEP 5 1974

CAUTION: ARMED AND DANGEROUS.

2 - Bureau (RM)
1 - New York

CJL:tm
(3)



58 SEP 2 1974
Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-23-2010 BY 60322/UC/LRP/STP/ETG

TO : DIRECTOR, FBI (100-469538)

DATE: 9/30/74

FROM : SAC, PHOENIX (100-6630) (P)

100-469538
h
SUBJECT: THOMAS KING FORCADE, aka
SM - YIP (EXTREMIST)
NFA - ITF

00: NY

ReNYairtel to Bureau dated 5/30/74 and Phoenix
letter to Bureau dated 7/18/74.

-192
New York is requested to advise Phoenix if it
desires further investigation to be conducted at Phoenix
or if a subpoena duces tecum is forthcoming.

ARMED AND DANGEROUS - EXTREMIST.

W
P

EX-109

1-2000
(2) - Bureau
2 - New York (100-169079)
2 - Phoenix

CLH/bay
(6)

REC-59

14 OCT 2 1974

221
FIVE



NOV 5 1974

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-23-2010 BY 60322/UC/LRP/STP/ETG

TO : DIRECTOR, FBI (100-469538)

FROM : SAC, NEW YORK (100-169079) (P)

SUBJECT: THOMAS KING FORCADE aka
SM - YIP (EXTREMIST)
NFA-ITF
(OO:NY)

DATE: 10/18/74

Re Bureau letter to NY dated 7/12/74 and Phoenix
letter to Bureau, 9/30/74.

For the information of the Phoenix Division, captioned
reference to Bulet indicated that the Departmental Attorney
handling the National Firearms Act investigation concerning the
subject advised that this situation does not appear to have
present prosecutive merit. The Departmental Attorney added
that prior to furnishing a prosecutive opinion he had referred
this situation to another attorney in the General Crimes
Section to insure no prosecutive possibilities are overlooked.

In view of the above, Phoenix discontinue investigation
of subject. Investigation at New York continuing.

100-469538-195

REC-311

OCT 24 1974

EX-117

FILED

2-Bureau (RM)
1-Phoenix (100-6630)(RM)
1-New York

NFD:ems

(4)

56 NOV 05 1974



1 - [REDACTED]
(Route Through for Review)
1 - [REDACTED]

Assistant Attorney General
Criminal Division

November 8, 1974

Attention: [REDACTED]

Director, FBI

Special Litigation Unit
General Crimes Section

THOMAS KING FORCADE
NATIONAL FIREARMS ACT

Reference is made to previous information which
has been furnished to you regarding the purchase of firearms
in Phoenix, Arizona, by subject, a resident of New York State.

This will confirm a discussion between [REDACTED]
[REDACTED] of your Division and Special Agent [REDACTED]
on November 5, 1974.

[REDACTED] advised that Departmental Attorneys
have reviewed the above information and determined that
the facts contained therein are insufficient to con-
clusively establish evidentially a violation of Federal
law. [REDACTED] noted that the above opinion was further
mitigated by subject's acquittal as a result of a trial
held in Federal court, Miami, Florida, in March, 1973,
charging him with possession of unregistered explosive
devices during 1972 Republican Party National Convention
in Miami Beach, Florida. No further investigation in this
matter was requested by [REDACTED] but he added that any
new information or developments concerning the above
matter should be brought to the Department's attention
for reconsideration as to possible prosecution.

In view of the foregoing, no additional investi-
gation is being conducted concerning the subject regarding
the above matter.

2 - New York (100-169079)
1 - Phoenix (100-6630)

BPM:bmf
(8)

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

MAILED 7
NOV 8 1974
FBI

MAIL ROOM ☐ TELETYPE UNIT ☐

REC-74

100-469538-196

NOV 11 1974

SEE NOTE PAGE 2

[REDACTED]

Assistant Attorney General
Criminal Division

NOTE:

Forcade, a New York ADEX subject is a well-known Youth International Party (YIP) activist, as well as editor and publisher of the Alternate Press Syndicate (formerly known as Underground Press Syndicate), 210 West 10th Street, New York, New York. He has a history of revolutionary associations and related violence. Above concerns possible violation of Title 18, USC, Section 922, regarding purchase of firearms in Phoenix, Arizona, by subject, a resident of New York State. Headquarters letter to New York 7/12/74, noted that Departmental Attorney [] advised on 7/10/74, that this situation did not appear to have prosecutive merit. [] advised at that time, however, that prior to furnishing a prosecutive opinion he had referred this matter to another attorney in the General Crimes Section of the Department, who specializes in firearms matters to insure no prosecutive possibilities were overlooked in view of Forcade's potential for violence.

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b7C

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (100-469538)

FROM : SAC, NEW YORK (100-169079) (P)

SUBJECT: THOMAS KING FORCADE
SM - EXTREMIST
(OO:NEW YORK)

DATE: 12/27/74

Re New York letter to Bureau, dated 10/18/74 and Bureau letter to Assistant Attorney General, Criminal Division, dated 11/8/74. *196*

On 7/26/74 [] who has furnished reliable information in the past, advised SA [] that subject continued to be active with the Alternative Press Syndicate (APS), however on 9/25/74 information received from [] indicated that APS was no longer publishing the "Alternative Press Revue".

In accordance with Bureau instructions, subject is not being investigated with regard to YIP activities, however investigation is continuing to determine the extent of his involvement with APS and any other activity of an extremist nature.

Captioned reference to Bureau letter indicated that the Department of Justice does not intend to prosecute subject for violation of the National Firearms Act.

On 11/29/74 [] who has furnished reliable information in the past, advised SA [] that he could not supply any information regarding extremist activity on the part of subject.

On 12/12/74 [] advised SA [] that he could provide no information regarding subject's activities.

New York is maintaining contact with sources and reviewing subject's file to determine if he warrants further investigation and continued inclusion on the ADEX.

In view of the lack of reported activity on the part of subject, no report is being submitted.

REC-52

100-469538-197

14 DEC 30 1974

② - Bureau (RM)
1 - New York

EX-112



1 - [redacted]
(Route Through for Review)
1 - [redacted]
1 - [redacted]
1 - [redacted]

Assistant Attorney General
Criminal Division

January 21, 1975

Director, FBI

THOMAS K. FORCADE AND [redacted]
[redacted] et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 125-73

Reference is made to an oral request by Department Attorney [redacted] on January 13, 1975, for a review of the "In Camera Exhibit" submitted in captioned suit which the judge refused to accept.

The purpose of the review was to determine whether Federal Bureau of Investigation (FBI) documents in the exhibit, which contained information from FBI sources, can be declassified, and if so, under what circumstances, and what objections, if any, are there to production of the substantive material. Also, if such objections concern informants who are presently active and/or if there are safety considerations, these should be specified and related to the material concerned. In addition, if revelations would result in reducing the usefulness of investigative techniques, or procedures or other considerations of public policy are pertinent, these should be outlined and related to the material concerned.

MAILED 90 "In Camera Exhibit" has been reviewed, and the following should be noted regarding FBI documents contained therein:

REC-74 100-469538-198
FBI Letterhead Memorandum (LHM) dated October 30, 1970, at New York, New York, captioned "Underground Press Syndicate" has been declassified. Production of the substantive material would not identify our sources.

7 JAN 23 1975

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:

Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

The first confidential source mentioned therein

is an officer of the Michigan State Police. The information he furnished is a matter of public record, and disclosure of his identity would not jeopardize his safety.

JWG:bmf
(7)

SEE NOTE PAGE 5

MAIL ROOM ☒

TELETYPE UNIT ☐

GPO 574-4

Assistant Attorney General
Criminal Division

The second confidential source mentioned therein is no longer an active informant; however, disclosure of his identity would jeopardize his safety and could cause irreparable economic harm and loss of employment.

Teletype from Director, FBI, to United States Secret Service dated September 16, 1971, captioned "Thomas Forcade, Threat Against the President" is not classified; however, production of the substantive material in this teletype would reveal the identity of the source, and thereby, jeopardize his safety. This source, while not currently active, continues to furnish information of value based on his past activities, and therefore, is of continuing value. Further, disclosure of his identity would jeopardize his safety.

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Report of Special Agent [redacted] dated February 4, 1972, at New York, New York, captioned "Thomas King Forcade, Security Matter - New Left; Threat Against the President" has been declassified. Production of the substantive material would not identify our sources.

NY T-1 is the same source described above in the teletype from Director, FBI, to United States Secret Service, dated September 16, 1971.

NY T-2 is not currently active; however, disclosure of source's identity would jeopardize his safety and the safety of others, and would disclose the identity of another source who is currently active and of continuing value.

NY T-3 is the same source described above as the second confidential source in the LHM dated October 30, 1970, at New York, New York.

NY T-4 is not currently active; however, disclosure of his identity would jeopardize his safety.

NY T-5 is not currently active, nor would disclosure of his identity jeopardize his safety.

Assistant Attorney General
Criminal Division

NY T-6 is currently active and of continuing value.

NY T-7 is a source whose identity has been publicly revealed.

NY T-8 is deceased.

Report of Special Agent [redacted] dated April 5, 1972, at New York, New York, captioned "Thomas King Forcade, Security Matter - New Left" has been declassified. Production of the substantive material would not identify our sources.

b6
b7C

NY T-1 is currently active and of continuing value.

NY T-2 is a former source whose identity has been publicly revealed and is the same source as NY T-7 mentioned above.

LHM dated June 21, 1972, at Miami, Florida, captioned "Thomas King Forcade" has been declassified. Production of the substantive material would not identify our sources.

MM T-1 is not currently active, nor would disclosure of his identity jeopardize his safety.

MM T-2 is a police officer in Dade County, Florida, who worked undercover on temporary assignment. Disclosure of his identity would not jeopardize his safety.

MM T-3 is currently active and of continuing value.

MM T-4 is the same source described above in the teletype from Director, FBI, to United States Secret Service, dated September 16, 1971.

Assistant Attorney General
Criminal Division

LHM dated September 9, 1972, at Miami, Florida, captioned "Thomas King Forcade, Security Matters - Revolutionary Activities" is not classified. Production of the substantive material would not identify our sources.

MM T-1 is currently active and of continuing value.

MM T-2 is not currently active, nor would disclosure of his identity jeopardize his safety.

MM T-3 is currently active and of continuing value.

MM T-4 is currently active and of continuing value.

MM T-5 is not currently active, nor would disclosure of his identity jeopardize his safety.

MM T-6 is a former source whose identity has been publicly revealed.

MM T-7 is a police officer from Madison, Wisconsin, who worked undercover on temporary assignment. Disclosure of his identity would not jeopardize his safety.

LHM dated October 25, 1972, at Miami, Florida, captioned "Thomas King Forcade, Security Matters - Revolutionary Activities" is not classified. Production of the substantive material would not identify our source.

MM T-1 is currently active and of continuing value.

Report of Special Agent [redacted] dated May 10, 1974, at New York, New York, captioned "Thomas King Forcade, Subversive Matter - Youth International Party (YIP), National Firearms Act - Interstate Transportation of Firearms" is not classified. Production of the substantive material would not identify our sources.

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Assistant Attorney General
Criminal Division

NY T-1 is currently active and of continuing value.

NY T-2 is currently active and of continuing value.

NOTE:

Plaintiffs instituted suit against the Treasury Department and Secret Service after they were denied press passes and access to the White House, based upon information received from this Bureau. In response to this suit, FBI documents showing justification for the denial were submitted to the presiding judge for in camera inspection, but he declined to accept same. Request for review of the exhibit by Department Attorney [redacted] to SA [redacted] [redacted] Legal Counsel Division was for the purpose of determining classification of FBI documents and protection of our sources, should an appeal to the judge to reconsider his decision fail, and such documents would, thereafter, need to be produced in court. The FBI documents in the exhibit have been reviewed by appropriate field division personnel, as well as Intelligence Division personnel, and the decision concerning the classification of the documents was thereby reached. In addition, information concerning current status and the need for protection of our sources was obtained from the various field divisions, and this information, together with the classification information is being furnished to Department Attorney [redacted] in accordance with his request for a written reply by January 21, 1975.

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Asst. Dir.	_____
Dep. AD-Adm.	_____
Dep. AD-Inv.	_____
Asst. Dir.:	_____
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Insp.	_____
Intell.	_____
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

NR 003 JN CODE

2:30PM NITEL 1/17/75 FTD

TO: DIRECTOR, FBI (100-469538)

FROM: JACKSON (100-2289) (RUC)

THOMAS K. FORCADE AND

ETAL: (USDC, D. C.) CIVIL ACTION NUMBER 125-73;

BUDED JANUARY 20, 1975.

RE BUREAU TELETYPE TO JACKSON DATED JANUARY 16, 1975.

INFORMATION FURNISHED BY [REDACTED] AND INCLUDED

IN NEW YORK REPORT OF SA [REDACTED] FEBRUARY 4,

1972, CAPTIONED "THOMAS KING FORCADE, SM - NEW LEFT;

THREAT AGAINST THE PRESIDENT," NEW YORK FILE 100-169079,

CAN BE DECLASSIFIED.

AT PRESENT TIME, [REDACTED] WHO HAS FURNISHED NO
INFORMATION IN OVER THREE YEARS AND WHO IS OF NO CURRENT
VALUE TO THE BUREAU, COULD NOT REASONABLY BE IDENTIFIED
BY DISCLOSURE OF MATERIAL REFERRED TO ABOVE.

END.

REC-74

100-469538-199

JAN 21 1975

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5 JFC

Assoc. Dir.	_____
Dep.-A.D.-Adm.	_____
Dep.-A.D.-Inv.	_____
Asst. Dir.:	
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell.	_____
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

NR004 MI CODED

2:30 PM NITEL JANUARY 18, 1975 JAH

TO : DIRECTOR, FBI (100-⁴69538)

NEW YORK

MIAMI

FROM: MILWAUKEE (100-19432) (RUC)

THOMAS K. FORCADE AND [REDACTED] ET AL

(U.S.D.C., D.C.) CIVIL ACTION NUMBER 125-73, BUDED: JANUARY 20,
1975.

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RE BUREAU NITEL JANUARY 16, 1975; MIAMI TELEPHONE CALL
JANUARY 17, 1975, CONCERNING FORMER [REDACTED] AND [REDACTED]
MILWAUKEE SOURCES, [REDACTED] AND [REDACTED]

ARE MENTIONED IN THE FOLLOWING FIVE DOCUMENTS INCLUDED IN

REFERENCED NITEL: (1) NEW YORK REPORT SA [REDACTED]
FEBRUARY 4, 1972, CAPTIONED "THOMAS KING FORCADE, SM - NEW LEFT:
THREAT AGAINST THE PRESIDENT." MILWAUKEE HAS REVIEWED THIS

REPORT AND CONCLUDES THAT INFORMATION FURNISHED BY [REDACTED]
SHOULD BE CLASSIFIED "CONFIDENTIAL" TO PROTECT A SOURCE WHO IS
CURRENTLY ACTIVE AND OF CONTINUING VALUE. [REDACTED] WHO

FURNISHED INFORMATION THEREIN, HAS SINCE BEEN SURFACED AND
THERE IS NO NEED TO CLASSIFY THAT INFORMATION.

(2) NEW YORK REPORT SA [REDACTED] DATED APRIL 5,

END PAGE ONE

58 JAN 21 1975

1972, CONTAINS INFORMATION FROM [REDACTED] AND THERE IS NO
NEED TO CLASSIFY.

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(3) MIAMI LHM DATED JUNE 21, 1972, CONTAINS INFORMATION
FROM FORMER [REDACTED] MILWAUKEE DOES NOT
HAVE THIS DOCUMENT AND IS NOT AWARE OF INFORMATION FURNISHED.
[REDACTED] SHOULD BE PROTECTED AS IDENTIFICATION WOULD DAMAGE
NATIONAL SECURITY.

(4) MIAMI LHM DATED SEPTEMBER 9, 1972, CONTAINS INFORMATION
FROM FORMER [REDACTED] MILWAUKEE DOES NOT HAVE
THIS DOCUMENT AND IS NOT AWARE OF INFORMATION FURNISHED,
HOWEVER AS ABOVE, [REDACTED] SHOULD BE PROTECTED AS IDENTIFICATION
WOULD DAMAGE NATIONAL SECURITY.

(5) NEW YORK REPORT SA [REDACTED] DATED MAY 10, 1974,
CONTAINS INFORMATION FURNISHED BY [REDACTED] MILWAUKEE DOES NOT
HAVE THIS REPORT AND IS NOT AWARE OF SPECIFIC INFORMATION USED.
[REDACTED] SHOULD BE PROTECT AS IDENTIFICATION WOULD DAMAGE
NATIONAL SECURITY.

END

HOLD FOR ONE

MBT FBIHQ

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JAN 20 1975

TELETYPE

NR002 WF CODE

1:56PM IMMEDIATE 1-20-75 KLS

TO: DIRECTOR, FBI (100-469538) AND
SAC, NEW YORK
FROM: SAC, WFO (100-54533) (RUC)

Assoc. Dir. _____
Dep.-A.D.-Adm. _____
Dep.-A.D.-Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. *Plan* _____
Laboratory _____
Plan. & Eval. _____
Rec. Inv. _____
Training _____
Adm. Coun. _____
Telephone Rm. _____
Director Sec'y _____

THOMAS K. FORCADE AND [REDACTED] V. H. V. KNIGHT, ET AL
(U.S.D.C., D.C.) CIVIL ACTION NUMBER 125-73, BUDED JANUARY 20,
1975.

-212
REBUNITEL, JANUARY 16, 1975 CAPTIONED AS ABOVE.

[REDACTED] IS CURRENTLY AN ACTIVE SOURCE AND OF CON-
TINUING VALUE AND SHOULD BE PROTECTED FROM DISCLOSURE.

[REDACTED] IS NOT CURRENTLY ACTIVE. HOWEVER, DIS-
CLOSURE OF THIS SOURCE WOULD JEOPARDIZE HIS AND OTHERS
SAFETY, IN VIEW OF HIS CLOSE RELATIONSHIP WITH [REDACTED]
A CURRENT ACTIVE SOURCE OF CONTINUING VALUE.

END

JDR

FBIHQ CLR

15 JAN 21 1975

58 JAN 27 1975

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JAN 20 1975

TELETYPE

NR003 DE PLAIN

4:30PM IMMEDIATE JANUARY 20, 1975 DLR
TO : DIRECTOR, FBI (100-469533)

FROM: SAC, DETROIT (100-37897)

THOMAS K. FORCADE; [REDACTED]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-23-2010 BY 60322/UC/LRP/STP/ETG

V. H. V. KNIGHT; ET AL;

(U. S. D. C., D. C.) CIVIL ACTION #125-73.

RE BUREAU NITEL, JANUARY 16, 1975.

REVIEW OF COMMUNICATIONS NOTED IN REFERENCED BUREAU
NITEL WHICH ARE AVAILABLE AT DETROIT, CONCLUDED THIS DATE.

NEW YORK LHM, OCTOBER 30, 1970, CAPTIONED, "UNDERGROUND
PRESS SYNDICATE", NYFILE 100-165241, CLASSIFIED "CONFIDENTIAL"
CONTAINS INFORMATION PROVIDED BY [REDACTED]
SAID INFORMATION IS A MATTER OF PUBLIC RECORD AND THEREFORE,
CLASSIFICATION OF IT IS DEEMED UNNECESSARY. INFORMATION
PROVIDED BY [REDACTED] SHOULD BE APPROPRIATELY REVIEWED BY NYO.

DETROIT TELETYPE, SEPTEMBER 16, 1971, CAPTIONED, "THOMAS
KING FORCADE, THREAT AGAINST THE PRESIDENT", UNCLASSIFIED,
CONTAINS SPECIFIC INFORMATION PROVIDED BY [REDACTED] WHICH
WAS OTHERWISE NOT AVAILABLE AT THAT TIME AND WHICH WOULD,
IF MADE KNOWN, COMPROMISE SOURCE AND JEOPARDIZE HIS SAFETY AND
FURTHER JEOPARDIZE THE CREDIBILITY OF SUBSTANTIAL INFORMATION
PROVIDED BY SOURCE BASED UPON HIS PAST ACTIVITIES. SOURCE

Assoc. Dir.	_____
Dep.-A.D.-Adm.	_____
Dep.-A.D.-Inv.	_____
Asst. Dir.:	_____
Admin.	_____
Crim. Inv.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Insp.	_____
Intell.	_____
Lab.	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

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REC-74/100-469338-202



PAGE TWO, DE 100-37897

IS NOT CURRENTLY ACTIVE BUT CONTINUES TO FURNISH INFORMATION OF VALUE TO THE BUREAU BASED UPON HIS PAST ACTIVITIES AND THEREFORE, DETROIT RECOMMENDS THAT THE BUREAU SEEK TO PROTECT SOURCE BY A CLAIM OF EXECUTIVE PRIVILEGE.

REGARDING INFORMATION PROVIDED BY [REDACTED] IN ABOVE NOTED COMMUNICATION, IT IS DEEMED A MATTER OF PUBLIC KNOWLEDGE AND REQUIRES NO CLASSIFICATION.

NEW YORK REPORT OF SA [REDACTED] FEBRUARY 4, 1972, CAPTIONED, "THOMAS KING FORCADE, SM - NEW LEFT; THREAT AGAINST THE PRESIDENT", NYFILE 100-169079, CLASSIFIED "CONFIDENTIAL" CONTAINS NO INFORMATION ATTRIBUTABLE TO [REDACTED] WHICH REQUIRES CLASSIFICATION.

THE FOLLOWING COMMUNICATIONS CONTAIN NO INFORMATION REPORTED BY DETROIT OR DETROIT SOURCES AND ARE THEREFORE NOT APPROPRIATE FOR REVIEW BY DETROIT:

NEW YORK REPORT OF SA [REDACTED] DATED APRIL 4, 1972, CAPTIONED "THOMAS KING FORCADE, SM - NEW LEFT; THREAT AGAINST THE PRESIDENT", UNDER NYFILE 100-169079.

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PAGE THREE DE 100-37897

MIAMI LHM, SEPTEMBER 9, 1972, CAPTIONED, THOMAS KING
FORCADE, SM - REVOLUTIONARY ACTIVITIES", UNCLASSIFIED.

NEW YORK REPORT OF SA [REDACTED] MAY 10, 1974,
CAPTIONED "THOMAS KING FORCADE, SM - YIP, NATIONAL FIREARMS
ACT - IIOF", UNCLASSIFIED.

THE FOLLOWING FILE WAS UNAVAILABLE FOR REVIEW AT
DETROIT:

MIAMI LHM, JUNE 21, 1972, CAPTIONED, "THOMAS KING
FORCADE", MIAMI FILE 100-16625, CLASSIFIED "CONFIDENTIAL".

END

JAC FBHQ CLR

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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JAN 20 1975

TELETYPE

Assoc. Dir. _____
Dep. A.D.-Adm. _____
Dep. A.D.-Inv. _____
Asst. Dir. _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. W.R. Felt
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

NR001 JK CODE

1054 AM URGENT JANUARY 20, 1975 MMH

TO DIRECTOR (100-469538)

MIAMI

FROM JACKSONVILLE (100-2302) (RUC) 1P

THOMAS K. FORCADE AND [REDACTED] V. H.V. KNIGHT, ET AL.
(U.S.D.C., D.C.) CIVIL ACTION NO. 125-73, BUDED JANUARY 20, 1975.

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RE BUREAU NITEL JANUARY 16, 1975.

FOR INFORMATION OF BUREAU AND MIAMI, [REDACTED]

[REDACTED] IS NO LONGER ACTIVE AS AN INFORMANT. [REDACTED]

DUE TO ABOVE,

HIS IDENTITY BECOMING KNOWN WOULD NOT JEOPARDIZE HIS OR OTHER SAFETY
OR CAUSE HIM HARM OF ANY NATURE.

REC-74 100-469538-203

END

KAC FBIHQ CLR

14 JAN 21 1975

Assoc. Dir.	_____
Dep.-A.D.-Adm.	_____
Dep.-A.D.-Inv.	_____
Asst. Dir.:	
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell.	_____
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____

NR011 TP CODE

11:45 PM NITEL JAN. 20, 1975 JMM

TO: DIRECTOR, FBI (100-469538)

FROM: TAMPA (100-NEW)

THOMAS K. FORCADE AND [REDACTED] V.H.V. KNIGHT, ET
(USDC, DC) CIVIL ACTION NO. 125-73 BUDED JANUARY 20, 1975

RE BUNITEL 1/16/75

FORMER [REDACTED] AND FORMER [REDACTED] ARE NOT CURRENTLY
ACTIVE OR OF CONTINUING VALUE.

NO RECENT CONTACT HAS BEEN HAD WITH FORMER [REDACTED] AND
FORMER [REDACTED] TAMPA DOES NOT FEEL THAT THEIR SAFETY WOULD
BE JEOPARDIZED IF THEIR IDENTITY BECAME KNOWN OR HARM WOULD
BE CAUSED THEM. HOWEVER WHEN LAST CONTACTED BOTH EXPRESSED A
STRONG DESIRE IN NOT HAVING THEIR PAST CONFIDENTIAL RELATIONSHIP
WITH THE FBI REVEALED.

END

TMA ACK FOR ONE FBIHQ CLR

REC-74 100-469538-204

14 JAN 21 1975

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38 JAN 27 1975

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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JAN 17 1975

TELETYPE

Assoc. Dir. _____
Dep.-A.D.-Adm. _____
Dep.-A.D.-Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. W.H. Jones
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

NR 007 CI CODE

8 26 PM NITEL 1/17/75 GEB

TO DIRECTOR (100-469538)
NEW YORK

FROM CINCINNATI (100-22047)

THOMAS K. FORCADE AND [REDACTED] V.H.V. KNIGHT, ET AL,
(U.S.D.C., D.C.), CIVIL ACTION NUMBER 125-73, BUDED: JANUARY 20,
1975.

RE BUREAU NITEL, JANUARY 16, 1975; CINCINNATI TELETYPE,
JANUARY 17, 1975; AND NEW YORK TELEPHONE CALL, JANUARY 17, 1975.

INFORMATION FURNISHED NEW YORK BY CINCINNATI RECEIVED FROM

[REDACTED] ON JULY 9, 1973, NOT CLASSIFIED BY CINCINNATI DIVISION.

FOR INFORMATION OF BUREAU, [REDACTED] IS CURRENTLY ACTIVE AND
OF CONTINUING VALUE.

END

H O L D

EX-101

REC-74

100-469538-205

5 JAN 20 1975

58 JAN 17 1975

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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JAN 17 1975

TELETYPE

NR010 IP CODE

3:17 PM 1/17/75 NITEL DNP

Assoc. Dir.	
Dep.-A.D.-Adm.	
Dep.-A.D.-Inv.	
Asst. Dir.:	
Admin.	
Crim. Syst.	
Ext. Affairs	
Files & Com.	
Gen. Inv.	
Ident.	
Insp.	
Intell.	
Laboratory	
Plan. & Eval.	
Spec. Inv.	
Training	
Legal Coun.	
Telephone Rm.	
Director's Sec'y	

TO: DIRECTOR (100-463538)
NEW YORK

FROM: INDIANAPOLIS (100-27464) (RUC)
THOMAS KING FORCADE AND [REDACTED]

(U.S.D.C., D.C.) CIVIL ACTION NO. 125-73, BUDED: JAN. 20, 1975.
REBUNITEL TO BOSTON JAN. 16, 1975.

INDIANAPOLIS REVIEW OF DOCUMENTS REFERRED TO IN RENITEL
DISCLOSED THAT INFO. PROVIDED BY [REDACTED] WHICH WAS CONTAINED IN

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NEW YORK REP. OF SA [REDACTED] DTD FEB. 4, 1972 CAPTIONED
"THOMAS KING FORCADE" RE FORCADE NO LONGER REQUIRES A CONFIDENTIAL
CLASSIFICATION, IN THAT THE IDENTIFICATION OF SOURCE WOULD PRESENT
NO DAMAGE TO THE NATIONAL SECURITY. REC-74 100-463538-206

FORMER [REDACTED] IS NOT CURRENTLY ACTIVE NOR WOULD THE
DISCLOSURE OF HIS IDENTITY FORESEEABLY JEOPARDIZE HIS SAFETY OR THE
SAFETY OF OTHERS; HOWEVER, WHEN SOURCE DISCONTINUED ON JULY 10, 1972
HE WAS ASSURED THAT HIS RELATIONSHIP WITH THE FBI WOULD BE KEPT CON-
FIDENTIAL. SOURCE AT THAT TIME INDICATED HE DESIRED TO BE CONSIDERED
UNAVAILABLE FOR TESTIMONY BUT ADDED THAT IF HIS TESTIMONY WERE
NECESSARY IN ANY MATTER UPON WHICH HE REPORTED HE WOULD CONSIDER
TESTIFYING ON AN INDIVIDUAL SPECIFIC INSTANCE.

INDIANAPOLIS HAS HAD NO CONTACT WITH SOURCE SINCE 1972.

END

BEH FBIHQ ACK FOR ONE AND OXX HOLD FOR ONE PLS
JAN 21 1975

5 [Handwritten signature]

NR006 NO CODE

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

4:05PM NITEL JANUARY 17, 1975 DGB JAN 17 1975

TO: DIRECTOR, FBI (100-469538) TELETYPE
SAC, MIAMI

FROM: SAC, NEW ORLEANS (62-NEW)

~~CONFIDENTIAL~~

THOMAS K. FORCADE AND [REDACTED] V.H. V. KNIGHT, ET AL
(U.S.D.C., D.C.) CIVIL ACTION NO. 125-73, BUDED: JAN. 20, 1975.
CLASSIFIED CONFIDENTIAL TO PROTECT IDENTITY OF SENSITIVE
SOURCE.

RE BUREAU NITEL JAN. 16, 1975, CAPTIONED AS ABOVE.

THIS IS TO ADVISE THAT [REDACTED] UTILIZED IN MIAMI LHM
DATED SEPT. 9, 1972, CAPTIONED "THOMAS KING; FORCADE, SM 7
REVOLUTINARY ACTIVITIES" CONTINUES TO BE AN ACTIVE SOURCE OF
CONTINUING VALUE WHO IS STILL BEING CONTACTED.

AS THE BUREAU HAS BEEN ADVISED IN THE PAST UNDER APPROPRIATE
CAPTION THIS SOURCE AND ESPECIALLY [REDACTED]
HAVE IN THE PAST BEEN RECIPIENTS OF HARASSMENT, ABUSE AND
PHYSICAL ATTACKS, AFTER HAVING BEEN ACCUSED OF BEING FBI SOURCES.

CLASSIFIED BY 398, XGDS TWO AND THREE, INDEFINITE.
END MESSAGE...
REC-74. 100-469538-207

Assoc. Dir.	_____
Dep.-A.D.-Adm.	_____
Dep.-A.D.-Inv.	_____
Asst. Dir.:	_____
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell. W.D.W./P.R.	_____
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director's Sec'y	_____

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53 JAN -7 1975

3 JAN 20 1975

5 [Signature]

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JAN 17 1975

TELETYPE

NR 030 NY CODE

8:49 PM NITEL JANUARY 17, 1975 DXM

TO DIRECTOR (100-469538)

FROM NEW YORK (100-169079)

ATTN: INTD

THOMAS K. FORCADE AND [REDACTED] V. H. V. KNIGHT,
ET AL (U. S. D. C., D. C.) CIVIL ACTION NUMBER 125-73, BUDED:
JANUARY 20, 1975.

REFERENCE BUREAU NITEL TO BOSTON, DATED JANUARY 16, 1975.

WITH REGARD TO INFORMATION FURNISHED BY [REDACTED] IN
DOCUMENT, NY LHM OCTOBER 30, 1970, CAPTIONED, "UNDERGROUND PRESS
SYNDICATE," IT IS FELT THAT THIS SPECIFIC INFORMATION MAY BE UN-
CLASSIFIED AS IT DOES NOT LEAD TO THE IDENTITY OF SOURCE.

WITH REGARD TO INFORMATION FURNISHED BY [REDACTED] IN
DOCUMENT, NY REP SA [REDACTED] FEBRUARY 4, 1972, CAPTIONED
"THOMAS KING FORCADE, SM-NEW LEFT; THREAT AGAINST THE PRESIDENT",
IT IS FELT THAT THIS SPECIFIC INFORMATION MAY BE UNCLASSIFIED AS
IT DOES NOT LEAD TO THE IDENTITY OF SOURCE.

DETERMINATION OF RE-CLASSIFYING INFORMATION PROVIDED BY
SOURCES OUTSIDE NEW YORK IS BEING LEFT TO THE DISCRETION OF THE
RESPECTIVE FIELD OFFICES.

Assoc. Dir. _____
Dep.-A.D.-Adm. _____
Dep.-A.D.-Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. 100-469538
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director's Sec'y _____

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REC-71

100-469538-208

68 JAN 27 1975

5947

NY 100-169079

PAGE TWO

WITH REGARD TO [REDACTED] CLOSED BY NEW YORK LETTER DATED
NOVEMBER 21, 1974, IT IS FELT THAT REVEALING THE IDENTITY OF THIS
SOURCE WOULD UNDOUBTABLY CAUSE HARM. REVEALED IDENTITY WOULD
JEOPARDIZE THE SAFETY OF SOURCE DUE TO THE PROPENSITY FOR
VIOLENCE SHOWN BY SUBJECT, FORCADE, IN THE PAST. FURTHERMORE
SOURCE IS EMPLOYED IN THE FIELD OF PROFESSIONAL ENTERTAINMENT,
AND REVEALED IDENTITY WOULD CAUSE SERIOUS RAMIFICATIONS IN
EMPLOYMENT POTENTIAL, AND IRREPARABLE ECONOMIC HARDSHIP.

END

TTO

HOLD PLS

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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JAN 17 1975
85
TELETYPE

Assoc. Dir.	_____
Dep.-A.D.-Adm.	_____
Dep.-A.D.-Inv.	_____
Asst. Dir.:	
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Inspect.	_____
Intell.	_____
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____

NR012 BS CODED

5:30PM NITEL JANUARY 17, 1975 DJC

TO: DIRECTOR (100-469538)

NEW YORK (100-169079)

FROM: BOSTON (100-45969) 1 PAGE

THOMAS K. FORCADE AND [REDACTED] V. H. V. KNIGHT, ET AL

(U. S. D. C. , D.C.) CIVIL ACTION NO. 125-73, BUDED: JANUARY 20,
1975.

FOR INFORMATION OF NEW YORK AND HEADQUARTERS,

[REDACTED] WHO IS MENTIONED IN NEW YORK REPORT OF

SA [REDACTED] FEBRUARY 4, 1972, IS DECEASED.

END.

REC-74

100-469538-209

58 JAN -7 1975

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Assoc. Dir.	_____
Dep.-A.D.-Adm.	_____
Dep.-A.D.-Inv.	_____
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Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

NR 004 CI CODE

102PM URGENT 1/17/75 CFR

TO DIRECTOR (100-469538)

NEW YORK

RECEIVED
COMMUNICATIONS SECTION

JAN 17 1975

TELETYPE

FROM CINCINNATI (100-22047)

ATTN INTD

THOMAS K. FORCADE AND [REDACTED]

V. H. V. KNIGHT, ETAL, (U.S.D.

C., D. C.), CIVIL ACTION NUMBER 125-73, BUDED JANUARY 20, 1975.

RE BUREAU NITEL JANUARY 16, 1975.

CINCINNATI UNABLE TO LOCATE NEW YORK REPORT OF SA [REDACTED]
DATED MAY 10, 1974, CAPTIONED, " THOMAS KING FORCADE, SM - YIP,
NATIONAL FIREARMS ACT, ITOF".

[REDACTED] IS CURRENTLY ACTIVE INFORMANT AND IS OF CONTINUING
VALUE. INFORMANT SHOULD BE PROTECTED.

NEW YORK FURNISH CINCINNATI WITH INFORMATION ATTRIBUTED TO [REDACTED]

[REDACTED] WHICH APPEARED IN NEW YORK REPORT OF SA [REDACTED] SO DECISION
CAN BE MADE REGARDING CLASSIFICATION OF THAT INFORMATION.

END

WZMV

JRM FBIHQ

CLR

1/21/75 - Tel to
Ci. Supervisor

is currently active and of CIG-74
Continuing value

EX-101

100-469538-210

5 JWP

30 JAN 1975

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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JAN 20 1975

TELETYPE

NR 008 MM CODE

5:27PM NITEL JANUARY 20, 1975 JGS

TO DIRECTOR (100-469538)

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 06-23-2010

Assec. Dir.	_____
Dep.-A.D.-Adm.	_____
Dep.-A.D.-Inv.	_____
Asst. Dir.:	_____
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Comp. Syst.	_____
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Files & Com.	_____
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Lab.	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____

NEW YORK

FROM MIAMI (100-16625) (RUC) 2 PAGES

~~CONFIDENTIAL~~

THOMAS K. FORCADE; [REDACTED] V. H. V. KNIGHT, ET AL

(USDC, DC) CIVIL ACTION NO. 125-73

REBUNITEL JANUARY 16, 1975, NEW ORLEANS NITEL JANUARY 17, 1975
AND MILWAUKEE NITEL JANUARY 18, 1975.

RE MILWAUKEE NITEL REPORTS IDENTIFICATION OF [REDACTED] WOULD
DAMAGE NATIONAL SECURITY.

IN VIEW OF THAT INFORMATION, MIAMI LHM DATED SEPTEMBER 9,
1972 (ATTACHED TO AIRTEL DATED SEPTEMBER 8, 1972) CAPTIONED THOMAS
KING FORCADE, SECURITY MATTERS-REVOLUTIONARY ACTIVITIES, IS BEING
CLASSIFIED CONFIDENTIAL BY 3422, XGDS II AND III, INDEFINITE.
BUREAU AND NEW YORK ARE REQUESTED TO MARK APPROPRIATE CLASSIFICATION
ON THEIR COPIES. MIAMI COPIES ARE BEING APPROPRIATELY CLASSIFIED.

MIAMI LHM DATED JUNE 21, 1972, CAPTIONED THOMAS KING FORCADE
SHOULD CONTINUE TO CARRY THE CONFIDENTIAL CLASSIFICATION IN VIEW
OF THE ABOVE.

[REDACTED] FORMER) IS NOW [REDACTED] A CURRENT INFORMANT

END PAGE ONE

58 JAN 21 1975

REC-74 100-469538-217
14 JAN 21 1975

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PAGE TWO MM 100-16625 ~~CONFIDENTIAL~~

OF CONTINUING VALUE WHOSE DISCLOSURE WOULD DAMAGE NATIONAL
SECURITY. [REDACTED] (FORMER) WAS AN UNDERCOVER OFFICER OF
MADISON, WISC. POLICE DEPT., WHO WAS IN MIAMI ON TEMPORARY ASSIGN-
MENT DURING 1972. MILWAUKEE ADVISED TELEPHONICALLY JANUARY 17,
1975, THAT INASMUCH AS THIS INDIVIDUAL IS A POLICE OFFICER THERE WAS
NO REASON TO BELIEVE THAT SHOULD ^h_hIS IDENTITY BECOME KNOWN HIS SAFETY
OR THE SAFETY OF OTHERS WOULD BE JEOPARDIZED.

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CLASSIFIED BY 3422, XGDS II AND III, INDEFINITE.

END

DBS FBIHQ CLR

Tel Call to

1/21/75 in MM;

T-2 in 6/21/72 LHM is

*[REDACTED]
who was undercover but
now in uniform - No safety
problem is disclosed.
JWJ*

1 - Mr. J. A. Mintz

CODE

TELETYPE

NITTEL

1 -

b6
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TO: SACS, BOSTON MIAMI
CINCINNATI MILWAUKEE
DETROIT NEW ORLEANS
INDIANAPOLIS NEW YORK
JACKSON TAMPA
JACKSONVILLE WFO

1 -

JANUARY 16 1975

1 -

1 -

FROM: DIRECTOR, REC-59 (100-469538) - 2/2

THOMAS K. FORCADE AND

v. H.V. KNIGHT, et al.

(U.S.D.C., D.C.) CIVIL ACTION NO. 125-73, BUDED: JANUARY 20, 1975.

CAPTIONED LAW SUIT CONCERNS RIGHT OF TREASURY DEPARTMENT
AND SECRET SERVICE TO CONTROL GRANTING OF PRESS PASSES AND
ACCESS TO WHITE HOUSE. PLAINTIFFS WERE DENIED SAME BASED ON
INFORMATION RECEIVED FROM THIS BUREAU. IN RESPONSE TO SUIT,
DOCUMENTS SHOWING JUSTIFICATION FOR DENIAL WERE SUBMITTED TO
PRESIDING JUDGE FOR IN CAMERA INSPECTION, BUT HE DECLINED TO
ACCEPT SAME. IN ORDER TO PREPARE FOR FILING OF PROTECTIVE
ORDERS PRIOR TO TURNING OVER DOCUMENTS TO PLAINTIFFS IF APPEAL
TO JUDGE REGARDING IN CAMERA INSPECTION FAILS, THE DETERMINATION
CONCERNING CLASSIFICATION OF THE DOCUMENTS AND PROTECTION OF
SOURCES UTILIZED THEREIN MUST BE MADE. FOLLOWING FBI MATERIAL
IS AMONG DOCUMENTS: NY LHM OCTOBER 30, 1970, CAPTIONED

JWG:bmf
(6)

SEE NOTE PAGE 3

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
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Ext. Affairs _____
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Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JAN 16 1975

TELETYPE

MAIL ROOM ☐

TELETYPE UNIT ☒

67-2545

Teletype to Boston, etc.
Re: Thomas K. Forcade and [REDACTED] v.
H. V. Knight, et al.
(U.S.D.C., D.C.)
Civil Action No. 125-73

"UNDERGROUND PRESS SYNDICATE," NY FILE 100-165241, CLASSIFIED

"CONFIDENTIAL," [REDACTED] AND [REDACTED]

MICHIGAN STATE POLICE; DE TEL SEPTEMBER 16, 1971, CAPTIONED

"THOMAS KING FORCADE, THREAT AGAINST THE PRESIDENT,"

UNCLASSIFIED, [REDACTED] AND [REDACTED] NY REP

SA [REDACTED] FEBRUARY 4, 1972, CAPTIONED "THOMAS

KING FORCADE, SM-NEW LEFT; THREAT AGAINST THE PRESIDENT,"

NY FILE 100-169079, CLASSIFIED "CONFIDENTIAL," [REDACTED]

[REDACTED]

[REDACTED] AND [REDACTED] NY REP, SAME AS ABOVE, DATED

APRIL 5, 1972, [REDACTED] AND [REDACTED] MM LHM JUNE 21, 1972,

CAPTIONED "THOMAS KING FORCADE," MM FILE 100-16625, CLASSIFIED

"CONFIDENTIAL," [REDACTED] MM LHM

SEPTEMBER 9, 1972, CAPTIONED "THOMAS KING FORCADE, SM -

REVOLUTIONARY ACTIVITIES," UNCLASSIFIED [REDACTED]

[REDACTED]

AND [REDACTED] NY REP SA [REDACTED] MAY 10, 1974,

CAPTIONED "THOMAS KING FORCADE, SM-YIP, NATIONAL FIREARMS

ACT-ITOF," UNCLASSIFIED, [REDACTED] AND [REDACTED]

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Teletype to Boston, etc.
Re: Thomas K. Forcade and [REDACTED] v.
H. V. Knight, et al.
(U.S.D.C., D.C.)
Civil Action No. 125-73

RECIPIENTS REVIEW ABOVE DOCUMENTS AND DETERMINE WHETHER THOSE CLASSIFIED CAN BE DECLASSIFIED AND WHETHER ANY WHICH ARE UNCLASSIFIED SHOULD BE CLASSIFIED, BEARING IN MIND THAT CLASSIFICATION TO PROTECT SOURCES CAN ONLY BE DONE IF REVEALING THE INFORMATION SOURCE FURNISHED WOULD IDENTIFY SOURCE SPECIFICALLY AND THAT SUCH IDENTIFICATION OF SOURCE WOULD DAMAGE THE NATIONAL SECURITY. YOU SHOULD BE AWARE, HOWEVER, THAT WHERE DOCUMENTS ARE UNCLASSIFIED, THE IDENTITIES OF SOURCES WHO FURNISHED INFORMATION THEREIN CAN BE OTHERWISE PROTECTED FROM DISCLOSURE BY CLAIMS OF AN EXECUTIVE PRIVILEGE, AND BY FILING APPROPRIATE PROTECTIVE ORDERS. IN ORDER TO DO THIS, RECIPIENTS MUST FURNISH THE FOLLOWING DATA CONCERNING EACH SOURCE: WHETHER SOURCE IS CURRENTLY ACTIVE AND OF CONTINUING VALUE; IF NOT, WHETHER HIS IDENTITY BECOMING KNOWN WOULD JEOPARDIZE HIS OR OTHERS' SAFETY OR CAUSE HIM HARM OF ANY OTHER NATURE. REPLY TO ABOVE BY TELETYPE BY CLOSE OF BUSINESS JANUARY 20, 1975.

NOTE:

Department Attorney [REDACTED] requested above information on 1/13/75 (see memorandum from Legal Counsel to [REDACTED] 1/13/75, attached). On 1/15/75 [REDACTED] orally requested written response by 1/21/75. Deadline set and teletype being sent to comply with this request.

To: [redacted]

1/13/75

(Attn. [redacted])

Re: THOMAS K. FORCADE and [redacted] v.
H.V. KNIGHT, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 125-73

On 1/13/75 SA [redacted] of this Division met with [redacted] Criminal Division, at his request regarding captioned suit. [redacted] provided the attached "In Camera Exhibit" which the Government had offered to make and which was rejected by the presiding judge. Captioned suit primarily involves the right of Secret Service to control the grant of press passes and access to the White House. In the course of justifying their decision to bar plaintiffs, the Treasury Department and Secret Service relied on the documents compiled for the in camera submission which the judge refuses to accept. The Government is considering an appeal of his decision but also must be prepared to state which documents it is willing to make public and declassify if it becomes necessary. Mr. Flannagan requested that a review be made of all FBI documents in the attached material for the purpose of determining:

1. Whether the documents can be declassified and, if so, under what circumstances;
2. What objections, if any, are there to production of the substantive material contained in the documents? If these concern informants who are presently active and/or safety considerations, such should be specified and directly related to the material concerned. If revelation would result in reducing the usefulness of investigative techniques or procedures, or other considerations of public policy are pertinent these should be outlined and related to the material concerned.

Please bear in mind that the considerations you express will eventually be incorporated in an affidavit which

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REC-59

100-469537-212

REC-112

EX-112

JAN 22 1975

CONTINUED - OVER

5 [signature]

1 cc to RS, etc. 2/2
JWG: bmf 1/16/75

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will be submitted to the court and which will be used by the Attorney General as the basis for a decision to claim executive privilege with regard to the documents. [redacted]

[redacted] requested that, if possible, an assessment be made by close of business on 1/15/75, so that an oral reading could be given to him as to the above-outlined considerations. Thereafter, he requests a written expression of your views.

Legal Counsel Division

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b7C



*oral reading on
SA [redacted]
1/15/75 that he
desires written response
by COB 1/21/75*

1 - Mr. A. Mintz
(Route Through for Review)

1 -
1 -
1 -

Assistant Attorney General
Criminal Division

January 24, 1975

Director, FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-23-2010 BY 60322/UC/LRP/STP/ETG

THOMAS K. FORCADE AND [REDACTED] v.
H. V. KNIGHT, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 125-73

b6
b7C

Reference is made to my memorandum dated January 21, 1975, captioned as above.

Reference is also made to an oral request on January 22, 1975, by Department Attorney [REDACTED] for a review of an additional Federal Bureau of Investigation (FBI) document necessary for the Government's defense of captioned suit. He requested a response in accordance with the guidelines used for preparation of referenced memorandum. He identified the document to be reviewed as a letterhead memorandum (LHM) at New York, New York, dated May 1, 1972, captioned "Thomas King Forcade."

A review has been made of the above-mentioned LHM and it has been declassified. Production of the substantive material would not identify our sources. The sources utilized in the LHM are described as follows:

The first source is not currently active, nor would disclosure of his identity jeopardize his safety.

The second source is currently active and of continuing value.

The third source is not currently active, but continues to furnish information of value based on his past activities, and, therefore, is of continuing value. Further, disclosure of his identity would jeopardize his safety.

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Telephone Rm. _____
Director Sec'y _____

JWG:bmf

(7)

MAILED 3

JAN 28 1975

-551

SEE NOTE PAGE 2

MAIL ROOM

TELETYPE UNIT

GPO 25

Assistant Attorney General
Criminal Division

NOTE:

Memorandum being sent in response to [redacted]
request to SA [redacted] Intelligence Division, for
review of above-mentioned LHM to determine its classification,
and to provide necessary information concerning our sources
to enable him to file appropriate protective orders. Original
review of FBI documents was completed, and response furnished
by memorandum dated 1/21/75 (copy attached).

b6
b7C

CODE

TELETYPE

URGENT

TO: SACS, NEW YORK
MEMPHIS
PHOENIX
SAN FRANCISCO

JANUARY 24, 1975

FROM: DIRECTOR, FBI (100-469538)

THOMAS K. FORCADE AND [REDACTED] v. H.V. KNIGHT

ET AL. (U.S.D.C., D.C.) CIVIL ACTION NO. 125-73, BUDED:
JANUARY 27, 1975.

REBUTEL JANUARY 16, 1975.

FOR INFORMATION OF ALL RECIPIENTS, EXCEPT NEW YORK OFFICE
(NYO), REFERENCED BUREAU TELETYPE ADVISED THAT CAPTIONED LAW
SUIT CONCERNS RIGHT OF TREASURY DEPARTMENT AND SECRET SERVICE
TO CONTROL GRANTING OF PRESS PASSES AND ACCESS TO WHITE HOUSE.
PLAINTIFFS WERE DENIED SAME BASED ON INFORMATION RECEIVED
FROM THIS BUREAU. IN RESPONSE TO SUIT, DOCUMENTS SHOWING
JUSTIFICATION FOR DENIAL WERE SUBMITTED TO PRESIDING JUDGE FOR
IN CAMERA INSPECTION, BUT HE DECLINED TO ACCEPT SAME. IN
ORDER TO PREPARE FOR FILING OF PROTECTIVE ORDERS PRIOR TO
TURNING OVER DOCUMENTS TO PLAINTIFFS IF APPEAL REGARDING
IN CAMERA INSPECTION FAILS, THE DETERMINATION CONCERNING
CLASSIFICATION OF THE DOCUMENTS AND PROTECTION OF SOURCES

TJM:bmf
(3)

REC-14

SEE NOTE PAGE 4

14 JAN 28 1975

Soc. Dir. _____
Dep. AD Adm. _____
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Asst. Dir.: _____
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Tech. Serv. _____
Training _____
Off. of the Inspector General _____
Director's Sec'y _____

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JAN 28 1975

MAIL ROOM ☐ TELETYPE UNIT ☒

Teletype to New York, etc
Re: Thomas K. Forcade and [REDACTED] v.
H.V. Knight et al. (U.S.D.C., D.C.)
CIVIL ACTION NO. 125-73
100-469538

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UTILIZED THEREIN MUST BE MADE. IN ADDITION TO MATERIAL MENTIONED IN REFERENCED TELETYPE, SECRET SERVICE ADVISES OF EXISTENCE OF ADDITIONAL BUREAU DOCUMENTS RECENTLY FOUND IN THEIR FILE BEARING ON THIS MATTER WHICH FALLS UNDER ABOVE COURT ORDER:

NEW YORK LHM DECEMBER 10, 1969, CAPTIONED "UNDERGROUND PRESS SYNDICATE," NEW YORK FILE 100-165241, COPY TO PHOENIX, CLASSIFIED "CONFIDENTIAL," AND PHOENIX LHM JANUARY 29, 1970, CAPTIONED "UNDERGROUND PRESS SYNDICATE," PHOENIX FILE 100-6634, COPY TO NEW YORK, CLASSIFIED "CONFIDENTIAL." FOR INFORMATION OF MEMPHIS, REFERENCED NEW YORK LHM CONTAINS INFORMATION FROM [REDACTED] AND FOR INFORMATION OF SAN FRANCISCO, REFERENCED PHOENIX LHM CONTAINS INFORMATION FROM [REDACTED]

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PHOENIX AND NEW YORK REVIEW ABOVE MEMORANDA, INCLUDING APPENDIX PAGES ATTACHED THERETO, AND DETERMINE WHETHER THESE DOCUMENTS CAN BE DECLASSIFIED, BEARING IN MIND THAT CLASSIFICATION TO PROTECT SOURCE CAN ONLY BE ACCOMPLISHED IF DISCLOSURE OF THE INFORMATION FURNISHED BY THE SOURCE WOULD SPECIFICALLY IDENTIFY THIS SOURCE, AND SUCH

Teletype to New York, etc.
Re: Thomas K. Forcade and [REDACTED] v.
H.V. Knight et al. (U.S.D.C., D.C.)
CIVIL ACTION NO. 125-73
100-469538

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IDENTIFICATION WOULD BE DAMAGING TO NATIONAL SECURITY. IN
LINE WITH THE ABOVE, MEMPHIS AND SAN FRANCISCO TELEPHONICALLY
ADVISE NEW YORK AND PHOENIX RESPECTIVELY, AS TO CURRENT
STATUS OF SOURCES MENTIONED ABOVE. RECIPIENTS SHOULD BE
AWARE THAT WHEN DOCUMENTS ARE UNCLASSIFIED, THE IDENTITIES
OF SOURCES WHO FURNISHED INFORMATION THEREIN CAN BE OTHER-
WISE PROTECTED FROM DISCLOSURE BY CLAIMS OF EXECUTIVE
PRIVILEGE, AND BY FILING APPROPRIATE PROTECTIVE ORDERS.
TO DO THIS, INTERESTED OFFICE MUST FURNISH FOLLOWING
INFORMATION CONCERNING EACH SOURCE TO BE PROTECTED:
WHETHER SOURCE IS CURRENTLY ACTIVE AND OF CONTINUING VALUE;
IF NOT, WHETHER HIS IDENTITY BECOMING KNOWN WOULD JEOPARDIZE
HIS OR OTHERS SAFETY OR CAUSE HIM HARM OF ANY OTHER NATURE.
(PHOENIX NOTE THAT LHM OF JANUARY 29, 1970, ON PAGE FIVE,
MAKES REFERENCE TO A "WELL-PLACED SOURCE OF THE PHOENIX
POLICE DEPARTMENT.") NEW YORK AND PHOENIX SUBMIT REPLY
TO REACH FBIHQ BY CLOSE OF BUSINESS JANUARY 27, 1975.

Teletype to New York, etc
Re: Thomas K. Forcade and [redacted] v.
H. V. Knight et al. (U.S.D.C., D.C.)
CIVIL ACTION NO. 125-73
100-469538

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NOTE:

Memorandum from Legal Counsel to [redacted]
1/13/75, captioned as above, advised that the Criminal
Division of the Department furnished facts concerning this
matter, as set out in instant communication, and requested
a review (for classification purposes) of specific Bureau
documents in possession of Secret Service, which by order
of the Federal Judge, must be turned over to court. Review
was completed and replies submitted to the Department by
letters dated 1/21/75 and 1/24/75. Department, on evening
of 1/23/75, advised Secret Service had located two
additional Bureau documents relevant to captioned matter,
and requested a similar review be made of these documents.
Deadline set, as Department advises it must be ready to
file response by 1/29/75.

1 - Mr. J. A. Mintz
(Route Through for Review)

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Assistant Attorney General
Criminal Division

January 29, 1975

Director, FBI

THOMAS K. FORCADE AND [REDACTED] v.
H.V. KNIGHT, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 125-73

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Reference is made to my memoranda dated January 24, 1975, and January 21, 1975, both captioned as above.

Reference is also made to an oral request on January 23, 1975, by Department Attorney [REDACTED] for a review of two Federal Bureau of Investigation (FBI) documents necessary for the Government's defense of captioned suit. [REDACTED] requested a response in accordance with the guidelines used for preparation of referenced memoranda, and identified the documents to be reviewed as a letterhead memorandum (LHM) at New York, New York, dated December 10, 1969, and an LHM at Phoenix, Arizona, dated January 29, 1970, both captioned "Underground Press Syndicate."

A review has been made of the above-mentioned memoranda, and they have been declassified. Production of the substantive material would not identify our sources. The sources utilized in the LHM dated December 10, 1969, are described as follows:

The first confidential source is not currently active, nor would disclosure of his identity jeopardize his safety.

The second confidential source is the Postal Inspector's Office in New York City, disclosure of which would not jeopardize the safety of its personnel.

The source of the Naval Investigative Service Office is the records of National Periodicals, a New York publishing firm, disclosure of which would not jeopardize the safety of its personnel.

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JWG:bmf
(7)

SEE NOTE PAGE 3

MAIL ROOM ☒

TELETYPE UNIT ☐

Assistant Attorney General
Criminal Division

The third confidential source is a private firm which gathers background and financial information concerning business firms, disclosure of which would not jeopardize the safety of its personnel.

The fourth confidential source is a confidential mail box in a New York City post office, rented for the purpose of receiving literature without the sender being aware of the true identity of the addressee. Disclosure of this technique would not jeopardize the safety of individuals involved in its use.

The source mentioned in the appendix characterization of the Progressive Labor Party (PLP) is currently active and of continuing value.

The source mentioned in the appendix characterization of the Students for a Democratic Society (SDS) is currently active and of continuing value.

The sources utilized in the LHM dated January 29, 1970, are described as follows:

PX T-1 is not currently active, however, disclosure of his identity would jeopardize his safety.

PX T-2 is the Office of the Postmaster, Phoenix, Arizona, disclosure of which would not jeopardize the safety of its personnel.

The representative of the Phoenix Police Department mentioned in the LHM refers to contacts made on various occasions with the Intelligence Unit of that department, wherein there were several officers assigned who furnished the information set forth in the LHM. Disclosure of their identities would not jeopardize their safety.

The well-placed source of the Phoenix Police Department is not currently active; however, his whereabouts have been unknown for the past four years, and, therefore, it is unknown whether disclosure of his identity would jeopardize his safety.

Assistant Attorney General
Criminal Division

PX T-3 is the same source as the fourth confidential source mentioned above.

NOTE:

Memorandum to the Assistant Attorney General being sent in response to [redacted] request to Sa [redacted] Intelligence Division for review of above-mentioned LHMs, to determine their classification and to furnish him pertinent information which will enable him to file appropriate protective orders for our sources if such documents need to be produced in court. The suit involves denial by Secret Service to grant plaintiffs press passes and access to the White House. The basis for the denial included information in several FBI documents which were previously reviewed as part of an "In Camera Exhibit," and the results were furnished to the Department in referenced memoranda. The additional two LHMs mentioned above to be reviewed, were turned over to the Department on 1/23/75, by Secret Service, whereupon [redacted] requested they also be reviewed. The two LHMs were reviewed by appropriate field division personnel, as well as by Intelligence Division personnel, and the decision concerning classification was thereby reached. The information concerning the current status and the need for protection of our sources was obtained from the various field divisions.

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The Attorney General

January 20, 1975

Director

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(attn: [redacted])

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THOMAS FORCADE and

[redacted] v. U.V. INCERT, et al.

(U.S.D.C., D.C.)

CIVIL ACTION No. 125-73

[redacted] enclosed herewith is an affidavit executed by Special Agent [redacted] Intelligence Division, FBI Headquarters, Washington, D.C.

On January 10, 1975, [redacted] Criminal Division, advised this Bureau that the judge in captioned civil action had refused to accept an in camera submission of documents proffered by United States Secret Service to justify its decision to deny plaintiffs press passes and access to the White House. [redacted] requested that a review be made of FBI documents contained in its proposed in camera submission. One of the purposes of the review was to determine whether some of the documents contained information which would identify sources in the event that they were produced in court. After appropriate review by both the field offices concerned and FBI Headquarters, it was determined that five documents contained some information which would reveal the source and would jeopardize his safety. These documents are identified as follows:

1. Teletype from the Director, FBI, to the United States Secret Service dated September 16, 1971, captioned "Thomas Forcade, Threat Against the President."

2. Report of Special Agent [redacted] dated February 4, 1972, at New York, New York, captioned "Thomas Forcade, Security Matter, New Left; Threat Against the President."

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SEE NOTE LAST PAGE

PGD:mfd

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MAIL ROOM ☐

TELETYPE UNIT ☐

REC-56

JAN 31 1975

The Attorney General

3. Letterhead memorandum dated May 1, 1972, at New York, New York, captioned "Thomas King Forcade."

4. Memorandum by liaison from the Director, FBI, to the Director, United States Secret Service, dated January 11, 1974, captioned "Thomas K. Forcade, Threat Against the President."

5. Letterhead memorandum dated February 15, 1974, at New York, New York, captioned "Thomas King Forcade."

The first three of the above-identified documents contain information which would directly identify the source. The latter two of the above-identified documents contain language which would give plaintiff Forcade sufficient information to enable him to identify the source from the nature of the threat against the President, even though the date of the threat is apparently misstated as "1970" in the last of the above-identified documents. The exact portions of the documents which would cause the source to be revealed are quoted and delineated in the enclosed affidavit by Special Agent [REDACTED]

b6
b7c

In accordance with the review which has been made and because of the reasons set forth in the enclosed affidavit, I believe that public disclosure of the portions of the documents quoted in the enclosed affidavit should not be made and that such portions should only be revealed to the court in camera. Therefore, I recommend that you assert a formal claim of executive privilege to protect the public interest in not revealing the identity of the source and protecting his safety.

Enclosure

The Attorney General

NOTE:

On 1/29/75, Departmental Attorney [] advised that it would be necessary to obtain a written recommendation by Director Kelley, in addition to the enclosed affidavit, before executive privilege would be invoked in this matter. This communication contains the elements required by the Department for action upon the request.

b6
b7C

3. The five Bureau documents referred to are as follows:

- a. A Teletype from the Director, FBI to the United States Secret Service, dated September 16, 1971, captioned "Thomas Forcade, Threat Against the President", the first paragraph of which relates:

ON SEPTEMBER SIXTEEN, NINETEEN SEVENTYONE, SOURCE, WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST, ADVISED THAT THOMAS FORCADE, RESIDES AT ONE FOUR ZERO ZERO TWENTIETH ST., NORTHWEST, WASHINGTON, D.C., TELEPHONE NUMBER TWO ZERO TWO - TWO NINE THREE-TWO ONE ONE FOUR HAS OBTAINED A PRESS CARD WHICH ENABLES HIM TO ATTEND PRESIDENTIAL PRESS CONFERENCES AT THE WHITE HOUSE. SOURCE ADVISED THAT FORCADE INTENDS TO THROW A PIE AT THE PRESIDENT DURING THE FIRST PRESS CONFERENCE HE ATTENDS.

- b. The Report of Special Agent [REDACTED] dated February 4, 1972 at New York, New York, captioned "Thomas Forcade, Security Matter - New Left; Threat Against the President", line 6 on page 1 of which relates:

On 1/20/72, subject threatened to kill the President.

and paragraph II.A. on page 3 of which relates:

On January 20, 1972, NY T-1 advised that the subject stated he was trying to obtain a White House Press Pass and if he is allowed to enter the White House, he will conceal a gun in his camera and then shoot the President. NY T-1 added that the subject has been dealing in the sale of marijuana and is an extremely unstable person.

- c. A Letterhead Memorandum (LHM), dated May 1, 1972, at New York, New York, captioned "Thomas King Forcade", the third paragraph on page 2 and the first paragraph on page 3 of which relate:

On January 20, 1972, a third reliable source advised that the subject, a member of the United States (US) House and Senate Corps of Reporters, was trying to obtain White House Press Credentials and had said if he was able to enter the White House, would conceal a gun in his camera and shoot the President.

The third source also added the subject had been dealing in the sale of marijuana and is an extremely unstable person.

- d. A Memorandum by liaison from the Director, FBI to the Director, United States Secret Service, dated January 11, 1974, subject "Thomas K. Forcade, Threat Against the President", the second paragraph of which relates:

Our referenced letter noted that your request in this matter had been referred to our Detroit Office for a reply based on the latest information available. Inquiry by our Detroit Office has determined that in view of the circumstances under which our informant obtained the information in question, it is imperative that the fact that this information was furnished by an FBI informant not be made known to subject's attorneys. It has also been established that the informant in this matter continues to furnish information of value to this Bureau and fears for his personal safety should his role as an FBI informant become known.

- e. A Letterhead Memorandum (LHM), dated February 15, 1974, at New York, New York, captioned "Thomas King Forcade", the third paragraph on page 1 of which relates:

The representative of Secret Service who contacted the FBI advised that his agency has had a prior interest in Forcade due to Forcade threatening to kill President Richard M. Nixon in 1970.

4. Only one Bureau source is known to have related plaintiff Forcade's threats to throw a pie at the President and kill the President (conceal a gun in his camera and then shoot the President). That source is an informant in the Detroit area who furnished the information related in paragraphs 3 a., b. and c. above. Moreover, only the Bureau source and plaintiff Forcade were known parties to the conversations related in paragraph 3 a., b. and c. above. Therefore, to disclose the contents of the portions of the Bureau documents related in paragraphs 3 a. through c. would facially reveal the identity of the source; and

the contents of the portions of the Bureau documents related in paragraphs 3 d. and e. would give plaintiff Forcade sufficient information to deduct the nature of the "Threat Against the President" and thereby the identity of the source, even though the date of the threat to kill the President is apparently misstated as "1970".

In view of the nature of the information reported by this source: (a) that plaintiff Forcade stated he would put a gun in a camera and shoot the President, (b) that plaintiff Forcade deals in marijuana and (c) that plaintiff Forcade is an extremely unstable person - and in view of plaintiff Forcade's reported propensity for violence, there is a high degree of risk that should plaintiff Forcade ascertain the identity of the informant he would retaliate against the informant in a physical manner. Accordingly, it was concluded by the Bureau that to reveal the material contained in the quoted portions of the five Bureau documents aforesaid would identify the source and jeopardize his safety; and that such disclosures should not be made in the public interest.

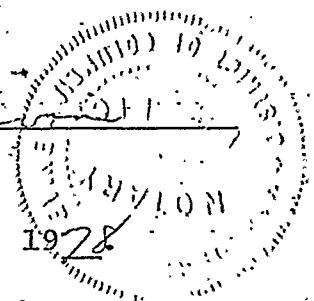


Federal Bureau of Investigation

Subscribed and sworn to before me this 29th day of January, 1975.

Marguerite L. DeLeon
Notary Public

My Commission expires 12/14, 1978



UNITED STATES GOVERNMENT

Memorandum

1
1
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1

DATE: 1/30/75

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

TO

FROM

SUBJECT: THOMAS FORCADE AND [REDACTED] v.
H. STEWART KNIGHT, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 1258-73

PURPOSE:

To advise that SA [REDACTED] IS-2 Section, executed an in camera affidavit relating to the protection from disclosure of the identity of an FBI source who had furnished information concerning plaintiff Forcade.

BACKGROUND:

Captioned suit involves denial by Secret Service to grant plaintiffs press passes and access to White House. The basis for the denial included information in several FBI documents. The documents were reviewed to determine their proper classification, and this information together with the current status and need for protection of our sources was furnished to the Department. Included in the documents was substantive material, the disclosure of which would readily identify one of our sources, whose safety would thereupon be in jeopardy. In order to prevent its production to the plaintiffs, SA [REDACTED] executed an affidavit on 1/29/75 (copy attached) setting forth the reasons for nonproduction of the substantive information, and requesting same only be reviewed by the court in camera. Coordinated with Legal Counsel Division.

ACTION:

None. For information.

JWG:bmf
(5)

REC-35

100-462532-217

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FEB 4 1975

PERS. REC. UNIT

ENCLOSURE
70 FEB 12 1975

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (100-469538)

FROM : SAC, MEMPHIS (100-6374) (C)

DATE: 1/31/75

b6
b7C

SUBJECT: THOMAS K. FORCADE AND
[REDACTED]
V. H. V. KNIGHT
ET AL
(U.S.D.C., D.C.)
CIVIL ACTION NO. 125-73
BUDED 1/27/75

Re Bureau teletype to New York, cc Memphis, dated 1/24/75; Memphis telephone call to FBI Office, New York and Phoenix dated 1/25/75.

By referenced phone calls to both the New York Office and the Phoenix Office dated 1/25/75, Memphis advised that [REDACTED] was discontinued as of 5/1/70.

b2
b7D

There is no indication that in the event it becomes necessary to divulge the identity of [REDACTED] such an action would jeopardize [REDACTED] or others' safety or cause [REDACTED] harm of any other nature.

②-Bureau
1-New York City
1-Phoenix
2-Memphis
HSL:bc
(6)

EX-103

REC-9/100-469538-218

6
FEB 8 1975

FIVE

51 FEB 12 1975

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan



FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

TELETYPE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-24-2010 BY 60322 JRP/STP/ETG

Ass.	_____
Dep. A.D.-Adm.	_____
Dep. A.D.-Inv.	_____
Ass.	_____
Adm.	_____
Com. Svst.	_____
Ext. Affairs	_____
File & Com.	_____
Gen. Inv.	_____
Id.	_____
Inspection	_____
In. <i>W</i>	<i>✓</i>
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

NR0017 NY CODE

330PM URGENT 01/27/75 GMD

TO DIRECTOR 100-469538

FROM NEW YORK 100-169079

ATT INTD

THOMAS K. FORCADE AND [REDACTED] V. H. V. KNIGHT

ET. AL., (U.S.D.C., D.C.) CIVIL ACTION NO. 125-73, BUDED

JANUARY 27, 1975.

RE BUREAU TELETYPE TO NEW YORK, JANUARY 24, 1975 AND
MEMPHIS TELEPHONE CALL TO NEW YORK, JANUARY 25, 1975.

MEMPHIS OFFICE ADVISED PER ABOVE TELEPHONE CALL TO NEW YORK
THAT SOURCE LISTED IN NEW YORK LHM, DECEMBER 10, 1969, CAPTIONED
UNDERGROUND PRESS SYNDICATE IS [REDACTED] THIS IS A FORMER
SOURCE AND THERE WOULD BE NO DANGER IF HIS IDENTITY WERE REVEALED,
NOR IS THERE ANY REASON TO PROTECT FURTHER FOR REASONS OF
NATIONAL SECURITY OR BECAUSE OF ANY CONTINUING VALUE.

IT IS NECESSARY, HOWEVER, TO CONTINUE CONFIDENTIAL CLASSI-
FICATION OF ABOVE LISTED LHM INASMUCH AS INFORMATION FROM SECOND
CONFIDENTIAL SOURCE WOULD UNDOUBTLY LEAD TO THE IDENTIFICATION
OF A SOURCE OF CONTINUING VALUE, AND WOULD BE DAMAGING TO THE
NATIONAL SECURITY. FURTHERMORE, IDENTIFICATION OF THIRD SOURCE,
[REDACTED] WOULD ALSO BE DAMAGING TO THE NATIONAL SECURITY.

56 FEB 18 1975

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Re: Tel Coll

b6
b7C
b7D

The fourth Confidential source, [redacted] Confidential mailbox may be declassified.

*PLP source - Currently active and valuable (NY source)
SDS source - Currently active and valuable (CG source)
NISO source - National Periodicals, a NY Pub. firm.*

NY 100-169079

PAGE TWO

JWZ

WITH REGARD TO PHOENIX LHM, JANUARY 29, 1970, CAPTIONED
UNDERGROUND PRESS SYNDICATE, INFORMATION PROVIDED BY THIRD
SOURCE, NEW YORK CONFIDENTIAL MAILBOX, MAY BE DECLASSIFIED AS
IT DOES NOT LEAD TO IDENTITY OF SOURCE.

END

JAC FBIHQ ACK FOR ONE AND HOLD FOR THREE

100-169079-100
JAN 30 1970
FBIHQ

JAN 27 1975

TELETYPE

NR004 PX CODE

1:05 PM URGENT JANUARY 27, 1975 DLS

TO DIRECTOR (100-469538)

NEW YORK

FROM PHOENIX (100-8508) (RUC)

THOMAS K. FORCADE AND [REDACTED] V.H.V. KNIGHT ET AL.

(U.S.D.C., D.C.) CIVIL ACTION NO. 125-73. BUDED: JANUARY 27, 1975.

REBUTEL TO NY, JANUARY 24, 1975.

SAN FRANCISCO DIVISION ADVISED BY TELCAL JANUARY 24, 1975 SA [REDACTED]

THAT [REDACTED] WAS DISCONTINUED OCTOBER 24, 1974. - *Disclosure would jeopardize his safety.*

PHOENIX HAS REVIEW PHOENIX LHM DATED JANUARY 29, 1970

CAPTIONED "UNDERGROUND PRESS SYNDICATE" PHOENIX FILE 100-6634

AND FEELS THIS DOCUMENT CAN BE DECLASSIFIED.

PHOENIX FILE DOES NOT REFLECT IDENTITY OF WELL-PLACED
SOURCE OF PHOENIX PD; HOWEVER, PHOENIX DOES NOT FEEL THAT
CLAIM OF EXECUTIVE PRIVILEGE COULD BE JUSTIFIED.

N D

LD

NG FBI HQ

Assoc. Dir. _____
Dep.-A.D.-Adm. _____
Dep.-A.D.-Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. *for* _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

b2
b6
b7C
b7D

*Tel call
to SF 1/28/75*

*Tel call to
Px 1/28/75*

*Source is not currently
active, however,
whereabouts are unknown
for past 4 years & therefore
safety unknown.*

REC-101

100-469538-220

1/28/75

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____

TO : [REDACTED]

DATE: 1/10/75

FROM : Legal Counsel *Jm*

SUBJECT: THOMAS FORCADE AND [REDACTED]
v. H. V. KNIGHT, et al.
CIVIL ACTION No. 125-73
U.S.D.C., D.C.

D.C.

At 4:10 p.m. on January 10, 1975, [REDACTED]
Criminal Division of the Department, telephone number 187-3032,
telephonically advised me that he had just returned from court where
he had attended a hearing in captioned civil suit. The suit was filed
by two individuals who allege themselves to be newspaper reporters.
The Secret Service investigated their background and during the course
of that investigation received information from the FBI. The Secret
Service denied them press passes and they have now sued.

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b7C

The Government attempted to get the case dismissed by
offering the judge an opportunity to review the Secret Service files
in camera, but the judge refused and ordered the files to be made available
to the plaintiffs. [REDACTED] said that he has 20 days in which to
file a response either producing the files or claiming Executive Privilege.
He said that in view of the fact the files contain documents originating
in the FBI, he would like to have a Bureau representative confer with
him concerning this matter.

RECOMMENDATION:

REC-1 EX-110
100-469538-221

Legal Counsel will contact [REDACTED] and review the
file material and make appropriate recommendations.

1 - [REDACTED]
1 - [REDACTED]

JAM:mfd
(4)

51 FEB 28 1975

108

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 06-24-2010 BY 60322/UC/LRP/STP/ETG

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. _____

TO :

DATE: 3-25-75

FROM : Legal Counsel

SUBJECT: THOMAS K. FORCADE and
[redacted] v. H. STUART KNIGHT, et al.
(U.S.D.C. D.C.)
CIVIL ACTION NO. 1258-73

On 3-19-75 Departmental Attorney [redacted] advised that plaintiff's attorney in this action had filed a memorandum with the court seeking access to an in camera submission of material by the Government. The submission was made to protect the identity of a source whose information furnished the basis for denial of a White House Press Pass. Plaintiff now alleges that he was directly affected by activity which constituted an extension of COINTELPRO and that this militated against the claim of privilege being made by the Government.

[redacted] requested a search of records and an affidavit to counter this allegation. On 3-21-75, after appropriate file review, Special Agent [redacted] Intelligence Division, executed the requested affidavit, a copy of which is attached hereto. Since [redacted] requested receipt of the affidavit on 3-21-75 because he needed it for immediate filing, the original was hand delivered to him.

RECOMMENDATION:

None. For record purposes only.

Enclosure

1 -
1 -
2 -
1 -

PGD:mbk

(6)

ENCLOSURE

TELETYPE

38 APR 7 1975

EX-117

MCT-29

CH 38

REC-54

100-469538-222

58A

APR 1 1975

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THOMAS FORCADE
and [REDACTED]

Plaintiffs,

v.

H. STUART KNIGHT, et al.,

Defendants.

Civil Action No. 1258-73

b6
b7C

AFFIDAVIT OF SPECIAL AGENT

[REDACTED]
FEDERAL BUREAU OF INVESTIGATION

City of Washington)
) ss.
District of Columbia)

[REDACTED] being duly sworn, deposes and says:

1. I am a Special Agent of the Federal Bureau of Investigation assigned to the Bureau's Intelligence Division at FBI Headquarters in Washington, D.C. The matters stated herein are based upon information contained in the files of the FBI made known to me in my official capacity and upon conclusions reached in accordance therewith.

2. I am informed that in their Memorandum of Points and Authorities in Support of their Motion for Access to In Camera Material plaintiffs contend:

Finally, it has recently come to plaintiffs' attention that during the period of time when the FBI informant was active whose information about plaintiff Forcade the defendants refuse to disclose, the FBI was employing informants to "disrupt" or otherwise "discredit" the activities of various domestic political groups with whom Forcade was associated. Specifically, at least one such informant apparently infiltrated and participated in political groups demonstrating at the

Republican National Convention in August 1972 and made efforts to confuse and divide the demonstrators [see Exhibit A, infra]. Such disruptive activities, which directly affected plaintiff Forcade, appear to have constituted an extension of the FBI's counterintelligence programs ("COINTELPRO") which former Attorney General Saxbe characterized as "improper" in a statement on November 18, 1974 [Exhibit B, infra]. In addition to all the other factors militating against the claim of privilege in this case, therefore, this factor further underscores the necessity that plaintiff Forcade and his counsel be given access to all materials which the government has introduced in support of its motion for summary judgment.

3. By reason of such contention and at the request of Departmental Attorney [redacted] I caused a search to be made of Bureau records and as a result thereof I have ascertained that plaintiff Thomas Forcade was never the subject of any Bureau COINTELPRO activity and that the information concerning plaintiff Forcade furnished by that Bureau source, related in my In Camera Affidavit, dated January 29, 1975, was not obtained by that Bureau source in connection with any Bureau COINTELPRO activity.

b6
b7C

[redacted]

Subscribed and sworn to before me this 21st day of March, 1975.

Marguerite F. Devine
Notary Public

My Commission expires December 18, 1978.

UNITED STATES GOVERNMENT

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 06-24-2010 BY 60322/UC/LRP/STP/ETG

Memorandum

TO : Director, FBI (Bufile 100-469538)

DATE: APR 4 1975

FROM : SAC, NEW YORK (100-169079) (P)

SUBJECT: THOMAS KING FORCADE
SM

Reference: NYlet to the Bureau, dated 12/27/74.

- Recommend: ☐ Inclusion in ADEX (summary attached)*
☒ Removal from ADEX (summary attached)*
☐ Changes in ADEX card (specify change only) (Two copies of FD-366 are enclosed for the Bureau)
* Abstract required.

Name	
Also known as:	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female Race <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Other
<input type="checkbox"/> Supplemental page attached.	Citizenship <input type="checkbox"/> U. S. <input type="checkbox"/> Alien - Specify Country
Date of Birth (Month, day, year)	Employment
Place of Birth	Occupation:
Residence Address	Firm & Address:
Type of Activity (Check principal activity only) <input type="checkbox"/> (BEX) Black Extremist <input type="checkbox"/> (CMC) Communist (pro-Chinese) <input type="checkbox"/> (CMS) Communist (pro-Soviet) <input type="checkbox"/> (CMT) Communist (Trotskyist) <input type="checkbox"/> (FRN) Foreign Affiliation - Specify Country <input type="checkbox"/> (PRN) Puerto Rican Nationalist <input checked="" type="checkbox"/> (REV) Revolutionary <input type="checkbox"/> (MSC) Miscellaneous	
<input type="checkbox"/> Tab Special Interest <input type="checkbox"/> Espionage <input type="checkbox"/> Foreign Government Employee <input type="checkbox"/> U. S. Government Employee <input type="checkbox"/> Remove Special Interest Tabbing	<input type="checkbox"/> Place in Unavailable Section <input type="checkbox"/> Missing <input type="checkbox"/> Out of Country <input type="checkbox"/> Imprisoned <input type="checkbox"/> Remove from Unavailable Section
Key Facility Data (if applicable)	
Geographical Reference Number	Responsible Agency

2 - Bureau (RM)
 1 - New York

HFD:msb
 (3)

(SEE ADDENDUM PAGE TWO)

56 APR 23 1975

APR 15 1975

EX 104

APR 4 1975

REC 100-469538-223

NY 100-162979

THOMAS KING FORCADE is currently involved in a law suit against the Government entitled, "THOMAS K. FORCADE and [redacted] vs H. V. KNIGHT, ET AL; CIVIL ACTION #125-73." Subject alleges that he was denied granting of press passes and access to the White House based on information furnished by the FBI.

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b7C

In accordance with Bureau instructions, subject has not been investigated because of his affiliation with the Youth International Party (YIP). Basis of investigation was to determine subject's extremist activity in connection with the Alternative Press Syndicate (APS), formerly the Underground Press Syndicate, in NYC.

In December, 1974 a source advised that APS was no longer publishing due to lack of funds. On 1/2/75 and 1/27/75, a former source advised that he could furnish no information regarding extremist activity on the part of subject or any affiliation with APS. Last known address for subject is 203 West 11th Street, NYC.

In view of the above, it is recommended that subject be deleted from the ADEX. Upon approval subject's file will be placed in a pending inactive category awaiting further developments in the above listed law suit.

ADDENDUM - INTELLIGENCE DIVISION LEB:meg 4/11/75

Forcade is the former leader of the now defunct Youth International Party (YIP). Last arrested 2/73 on National Firearms Act violation and subsequently acquitted. The last known activity of subject was 7/4/73 in Washington, D.C., where he spoke before 400 "Yippies" at a demonstration to "Impeach Nixon" and legalize marijuana. New York Office reported that other members of YIP proposed "trashing" at Justice Building after demonstration, which did not occur, but do not attribute any such inflammatory rhetoric to Forcade.

TJM

UNITED STATES GOVERNMENT

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-15-2010 BY 60322/UC/LRP/STP/ETG

Memorandum

Director

Federal Bureau of Investigation

Attention: Legal Counsel Division

DATE: July 3, 1975

FROM:

Criminal Division

SUBJECT:

Forcade, et al. v. Knight, et al.
(D.D.C.) Civil Action No. 1258-73

b6
b7C

We attach herewith for your files in the referenced civil action copies of the following:

1. STIPULATION, filed March 17, 1975;
2. DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR ACCESS TO IN CAMERA MATERIAL with attached AFFIDAVIT OF SPECIAL AGENT [REDACTED] FEDERAL BUREAU OF INVESTIGATION dated March 21, 1975 and proposed ORDER, filed March 24, 1975;
3. RESPONSE TO PLAINTIFFS' SUPPLEMENTAL INTERROGATORIES filed April 4, 1975; and
4. DEFENDANTS' OBJECTIONS TO CERTAIN OF PLAINTIFFS' SUPPLEMENTAL INTERROGATORIES, filed April 4, 1975.

Attachments

EX 103

REC-20

100-469538-224

JUL 8 1975

ENCLOSURE



53 JUL 30 1975

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

EXP. PROC.
30 JUL 8 1975

165
w/ March
date

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RECEIVED

MAR 17 1975

JAMES F. DAVEY, Clerk

THOMAS FORCADE

and

Plaintiffs,

v.

H. STEWART KNIGHT, et al.

Defendants.

Civil Action No. 1258-73

b6
b7C

STIPULATION

It is hereby stipulated and agreed by and between counsel for the plaintiffs and counsel for the defendants that the time for the defendants to respond to plaintiffs' motion for access to In Camera material be, and the same hereby is, enlarged to and including March 24, 1975.

Union Foundation
22 East 40th Street
New York, New York 10016
Telephone: 212/725-1222

Attorney for the Plaintiffs

Attorney, Department of Justice
Washington, D.C. 20530
Telephone: 202/739-3032

Attorney for the Defendants

762

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THOMAS FORCADE
and [REDACTED]

Plaintiffs,

v.

H. STUART KNIGHT, et al.,

Defendants.

Filed March 24, 1975
Civil Action No. 1258-73

b6
b7C

DEFENDANTS' OPPOSITION TO PLAINTIFFS'
MOTION FOR ACCESS TO IN CAMERA MATERIAL

Statement

As an alternative to dismissal of the Complaint for lack of subject matter jurisdiction, the defendants moved for summary judgment on the administrative record. In support of their alternative motion for summary judgment the defendants submitted to the Court for its in camera review the protective intelligence and investigative files of the United States Secret Service. These files contain the information which caused the Secret Service to conclude that each plaintiff constitutes a potential threat to the physical safety of the President. The files were proffered to demonstrate that there exists a sufficient and rational basis for the denial to plaintiffs of White House press accreditation and that neither denial action was unreasonable, arbitrary or capricious.

The Court returned the proffered files to defendants for want of a formal claim of executive privilege with respect thereto and by Order entered January 16, 1975, allowed the defendants to make a formal claim as to any portions of the files deemed privileged. Thereafter, in accordance with that Order, the defendants filed a

formal claim of executive privilege by the Acting Attorney General and a suggestion of privilege by the Secretary of the Treasury with respect to certain portions of the Secret Service file pertaining to plaintiff Forcade.

As set forth in his Affidavit and Claim of Privilege dated January 30, 1975 the Acting Attorney General asserted that to disclose certain specifically identified portions of Federal Bureau of Investigation documents in the "Forcade file" would identify the source of that material, that disclosure of the source's identity would jeopardize his safety, and that, therefore, such disclosure was not in the public interest. In support of his formal claim of executive privilege, the Acting Attorney General submitted for the Court's in camera consideration those portions of the Bureau documents claimed privileged from disclosure to the plaintiffs, together with an affidavit of Special Agent [redacted] setting forth the basis for the Bureau's conclusion that the source's safety would be jeopardized if his identity were revealed other than to the Court in camera. b6 b7C

At the same time the defendants filed a suggestion of privilege by the Secretary of the Treasury with respect to those portions of the files of the Secret Service which, if disclosed, would disclose the information as to which the Acting Attorney General had claimed privilege. The Secretary of the Treasury also submitted for the Court's in camera consideration those portions of the Secret Service file on plaintiff Forcade which were encompassed in the Acting Attorney General's formal claim of executive privilege.

All of the administrative record is now before the Court. As to plaintiff [redacted] all of the administrative record, except one item disclosed to plaintiff [redacted] under protective order, is

on file in open court. As to plaintiff Forcade, all of the administrative record, except the material submitted in camera under the claim and suggestion of privilege, is also on file in open court. By the instant motion plaintiffs seek access to the in camera material pertaining to plaintiff Forcade. Their motion should be denied.

Argument

Plaintiffs assert that it is fundamentally unfair to bar plaintiffs' access to the material pertaining to plaintiff Forcade proffered by the defendants in support of "their own" motion for summary judgment. However, as defendants urged originally in support of their alternative motion for summary judgment, assuming plaintiffs' entitlement to judicial review of the denial action, the matter should be treated merely as a review of adverse agency action. Under the normal standards applicable to such review, the Court's determination is based upon the agency record submitted to it. Here the defendants submitted the agency record and moved for summary judgment on the grounds that the record supported the agency action. The defendants' action is presenting the record and urging a summary judgment of dismissal does not change the character of the proceedings.

The narrow legal issue presented by the instant motion -- whether plaintiff Forcade is entitled to access to the whole of the administrative record now under review by the Court -- and the broader legal issue -- whether the Court can properly consider substantive material in camera in reviewing the adverse agency action -- were both before the court in United States ex rel. Parbour v. District Director of the Immigration and Naturalization Service, 491 F.2d 573 (5th Cir. 1974), cert. denied, ___ U.S. ___ (Oct. 15, 1974). In

that case a Special Inquiry Officer of INS denied bail to an alien on the ground he was a bad bail risk. On appeal to the Board of Immigration Appeals the Board did not rule on whether the alien was a bad bail risk, but on confidential information submitted in camera by the Department of State, ruled that the alien represented a threat to the national security. On a petition for habeas corpus where the classified national security information on which the Board of Immigration Appeals had based its decision was forwarded to the District Court, id. at 576, the District Court reviewed the material in camera and concluded that the alien was not a security risk but a bail risk. On appeal the Fifth Circuit ruled that it was improper for the District Court to rule on the question whether the alien was a bail risk, since the Board had not ruled on that question, but determined upon its own in camera review of the confidential material previously considered by the Board and District Court that the alien was a threat to the national security and that a denial of bail was warranted. In reaching that result the Court of Appeals rejected the alien's contention that he was denied due process of law when the security risk information was considered ex parte, in camera without his having an opportunity to refute it, stating: "Discretionary relief - and release on bail is a form of discretionary relief - may be denied on the basis of confidential information, the disclosure of which would be prejudicial to the public interest, safety, or security, if the use of such information is sanctioned by regulations." Id. at 578.

Similarly, in the case at bar, it is not a denial of due process to deny plaintiff Forcade access to confidential information used by the Secret Service in reaching its decision to deny him a White House press pass and it is proper for this Court to consider

such information in camera in its review of the adverse agency action. The information was considered by the Secret Service in the exercise of its discretionary function to protect the person of the President of the United States, 18 U.S.C. §3056; see also Galella v. Onassis, 487 F.2d 986, 993 (2d Cir. 1973) (where the Court recognizes the discretionary nature of Secret Service functions and duties), and the information is properly protected from disclosure in the public interest.

With respect to the claim of privilege asserted by the Acting Attorney General against disclosure of the contents of those portions of the administrative record now before the Court in camera, Wigmore states that a genuine privilege based on fundamental principles must be recognized for the identity of persons supplying the government with information concerning the commission of crimes; and that, while the principle applies only to the identity of the informant and not to his communications as such, in circumstances where the contents of the informant's statements would tend to disclose the identity of the informant, the statements themselves should come within the scope of the privilege. 8 Wigmore, Evidence (3d ed.), §2374, at 761 and 765. It is just such an application of the privilege which is asserted by the Acting Attorney General. Where the contents of the informant's statements would result in disclosure of the identity of the informant, the contents are privileged if there is a valid need to protect the identity of the informant. This application of the rule was recognized in Roviaro v. United States, 353 U.S. 53 (1957), where the Supreme Court stated, at 60 "[W]here the disclosure of the contents of a communication will not tend to reveal the identity of an informer, the contents are not privileged." See also, Foltz v. Moore McCormack Lines, 189 F.2d 537, 540 (2d Cir. 1951) (where the Court in that civil action stated "The

qualification of the privilege here upheld, does not, of course, affect any testimonial privilege which may be invoked, such as the right of the government to refuse to reveal the identity of the informer. . . ."); Wood v. Breier, 54 F.R.D. 7, 12 (E.D. Wisc. 1972) (where the Court held the informant's privilege -- "the Government's privilege to withhold from disclosure the identity of persons who furnish information of violations of law" -- inapplicable to defendant police officers who could not be considered informants for the purposes of that civil action). This application of the rule is also recognized in the recent (February 19, 1975) amendments to the Freedom of Information Act, which accord an exception to the disclosure of information which would "disclose the identity of a confidential source", 5 U.S.C. §552(b)(7)(D), or would "endanger the life or physical safety of law enforcement personnel." 5 U.S.C. §552(b)(7)(F).

The rationale of the criminal cases that the Government can invoke evidentiary privileges only at the price of letting the defendant go free, United States v. Reynolds, 345 U.S. 1, 12 (1953); United States v. Andolschek, 142 F.2d 503, 506 (2d Cir. 1944), is inapposite to the circumstances presented in the case at bar. Here the defendants do not have the viable choice of foregoing adverse action to protect the safety of the informant, for this could result in endangering the physical safety of the President. Certainly the defendants do not have to choose between endangering the physical safety of the informant and the physical safety of the President, for the law protects them both and the use of a protective order as the "least drastic method" of protecting the identity of the informant is not possible in the circumstances. Obviously some "formula of compromise must be applied here". See United States v. Reynolds, supra, 345 U.S. at 9. The defendants respectfully suggest

that the appropriate formula is for the Court to sustain the claim of privilege and proceed with its review of the whole record with full cognizance that the information considered by the Court in camera has not been disclosed to plaintiff Forcade -- the formula applied in Barbour.

The Barbour case, of course, refutes plaintiffs' contentions that: (a) there is no reported federal decision barring a litigant, on whatever ground, from the very evidence on which his opponent seeks to build his case, (b) claims of executive privilege by the Government have been upheld only where the contested information or documents were sought through discovery and the Government itself did not seek to capitalize on the privileged matter, and (c) where contested information is central to the Government's civil case, private litigants must be given access to it, even when the most sensitive national security information is at issue. Indeed, it is doubtful that Knopf v. Colby, ___ F.2d ___, No. 74-1478 (4th Cir. Feb. 7, 1975) and United States v. Marchetti, 466 F.2d 1309 (4th Cir. 1973), support plaintiffs' sweeping assertions. In those cases the plaintiffs were already in possession of classified information obtained under a secrecy agreement and the Fourth Circuit refused to require the Government to disclose to the plaintiffs other classified information to test the classification of the documents in their possession. Knopf, slip. op., at 12.

Similarly, the Fourth Circuit's consolidated opinion in Rowley v. McMillan, ___ F.2d ___, No. 73-2451 and Sparrow v. Goodman, ___ F.2d ___, No. 73-2454 (4th Cir. July 26, 1974) (a civil action in which the appellate court stated "There is no evidence that anyone was a threat to presidential security"), refutes plaintiffs' assertion

that the Government may not seek to establish harm -- there, impairment to the operations of the Secret Service in protecting the President -- in a civil case on the basis of ex parte evidence. In that connection the Fourth Circuit, citing Nixon v. Sirica, 487 F.2d 700, 720 (D.C. Cir. 1973) (per curiam), stated that the appropriate course to follow when privileged information is germane to the case is to make an in camera submission showing the need for non-disclosure, for a determination by the Court as to what should and what should not be revealed.

The defendants, of course, agree that the Acting Attorney General's claim of executive privilege is subject to full judicial review. The claim here presented is of the type of evidentiary claim asserted in United States v. Reynolds, 345 U.S. 1, 6-7 (1953), and not of the "true" type asserted in Committee for Nuclear Responsibility v. Seaborg, 463 F.2d 788, 792 (D.C. Cir. 1971), and to this end the defendants have offered reasons to the Court, in camera, in support of the claim. However, the defendants reject the suggestion that Black v. Sheraton Corp., 371 F.Supp. 97, 101-102 (D.D.C. 1974), stands for the proposition that under any concept of "full judicial review" plaintiffs are entitled to the in camera material in order to test plaintiffs' assertion that the denial of press passes was illegal. In Black the Court found that the Government was attempting to assert privilege to withhold information relating to admittedly illegal activity and in that context only did the Court state "Any evidence which concerns the government's illegal acts are not privileged. Likewise, any evidence which refutes this allegation cannot be privileged." Ibid. Here, there is no such admission of illegal activity. Indeed, the information was obtained by a confidential informant, which, of course, is lawful activity. See, e.g., United States v. White, 401 U.S. 745 (1971);

Hoffa v. United States, 385 U.S. 293 (1966). See also the attached

Affidavit of Special Agent [REDACTED] dated March 21, 1975

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(Defendants' Exhibit A), that plaintiff Forcade was never the subject of any Bureau COINTELPRO activity and that the information pertaining to plaintiff Forcade supplied by the informant was not obtained by the informant in connection with any COINTELPRO activity.

Respectfully submitted,

[REDACTED]

[REDACTED]

Attorney, Department of Justice

[REDACTED]

Washington, D.C. 20530
Telephone: 202/739-3032

Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that on this date I served a copy of the foregoing

DEFENDANTS' OPPOSITION TO PLAINTIFFS'
MOTION FOR ACCESS TO IN CAMERA MATERIAL
with attached
Affidavit of Special Agent
[REDACTED]

Federal Bureau of Investigation

b6
b7C

upon the plaintiffs by mailing copies thereof to their following
counsel of record:

[REDACTED]

American Civil Liberties Union
Foundation
22 East 40th Street
New York, New York 10016

[REDACTED]

American Civil Liberties Union
Washington Office
410 First Street, S.E.
Washington, D.C. 20003

March 24, 1975

[REDACTED]

Attorney, Department of Justice
Washington, D.C. 20530
Telephone: 202/739-3032

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THOMAS FORCADE
and [REDACTED]

Plaintiffs,

v.

H. STUART KNIGHT, et al.,

Defendants.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-24-2010 BY 60322/UC/LRP/STP/ETG

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b7C

Civil Action No. 1258-73

ORDER

This cause having come before the Court on plaintiffs' Motion for an order granting them access to the documents or portions thereof pertaining to plaintiff Thomas Forcade specifically identified in the Affidavit and Claim of Privilege of the Acting Attorney General, dated January 30, 1975, on file herein and the Affidavit and Suggestion of Privilege of the Secretary of the Treasury, dated January 30, 1975, on file herein, and submitted to the Court on January 30, 1975 as in camera exhibits in accordance with said claim and suggestion of privilege, and on defendants' Opposition to such motion; and the Court having inspected in detail the material submitted for in camera review, and having concluded that there has been no showing of compelling necessity for the disclosure of said documents in the circumstances of this case, it is, therefore, by the Court this _____ day of _____, 1975,

ORDERED that plaintiffs' Motion be, and the same hereby is, denied, and that the defendants are not required to disclose to the plaintiffs any of the aforesaid material submitted for in camera inspection.

United States District Judge

CERTIFICATE OF SERVICE

I certify that on this date I served a copy of the foregoing
proposed ORDER

upon the plaintiffs by mailing copies thereof to their following
counsel of record:

b6
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[REDACTED]
American Civil Liberties Union
Foundation
22 East 40th Street
New York, New York 10016

[REDACTED]
American Civil Liberties Union
Washington Office
410 First Street, S.E.
Washington, D.C. 20003

March 24, 1975

[REDACTED]
Attorney, Department of Justice
Washington, D.C. 20530
Telephone: 202/739-3032

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THOMAS FORCADE
and [REDACTED]

Plaintiffs,

v.

H. STUART KNIGHT, et al.,

Defendants.

Filed April 4, 1975
Civil Action No. 1258-73

b6
b7C

RESPONSE TO PLAINTIFFS'
SUPPLEMENTAL INTERROGATORIES

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and in response to plaintiffs' Supplemental Interrogatories, served by mail on March 5, 1975, comes now Alfred Wong, Deputy Assistant Director (Protective Intelligence), United States Secret Service, having been designated to respond to said interrogatories on behalf of defendants Knight, [REDACTED] [REDACTED] herein, and deposes and responds to said interrogatories as follows:

1. Supplemental Interrogatory No. 1:

State whether any persons with one or more of the following characteristics have ever (a) been granted White House press accreditation, or (b) been otherwise admitted to any White House press conference or briefing, at any time in the last ten years:

- (i) persons who have been arrested at least once;
- (ii) persons who have been arrested more than once;
- (iii) persons who have been convicted of any felony or misdemeanor at least once.

Answer to Supplemental Interrogatory No. 1:

(i) Persons who have been arrested at least once have been granted White House press accreditation and have been admitted to White House press conferences or briefings in the last ten years.

(ii) Persons who have been arrested more than once have been granted White House press accreditation and have been admitted to White House press conferences or briefings in the last ten years.

(iii) Persons who have been convicted of a felony or misdemeanor at least once have been granted White House press accreditation and have been admitted to White House press conferences or briefings in the last ten years.

2. Supplemental Interrogatory No. 2:

If your answer to the foregoing interrogatory is yes, please set forth the number of such persons in each category [(a) and (b)] and subcategory [(i), (ii) and (iii)], and the nature of each arrest and conviction.

Answer to Supplemental Interrogatory No. 2:

The foregoing answers to Interrogatory No. 1 were based on my personal knowledge and recollection from having worked in the Technical Security Division as the Special Agent in Charge from August 1965 to November 1972. However, there are now presently outstanding 1,589 files regarding persons who currently hold White House press passes. Each of these files contains the results of the security check made by the Secret Service and would reveal the recommendation that the Secret Service made from a security viewpoint as to whether or not such individual should be granted a White House press pass. The decision, however, as to whether or not White House press

accreditation will be granted rests with the White House Press Secretary. I have no reliable estimates as to how many files there are on persons who have requested White House press passes and on whom a security check has been made over the last ten years. The number, however, is substantial. Therefore, based on my personal knowledge that 1,589 files presently exist plus an unknown number over the last ten years, it would be time consuming and burdensome to check each and every file in order to respond to plaintiffs' second interrogatory. Even assuming only ten minutes per file search, over six working weeks would be required (at a cost of approximately \$1,690.00) for a Special Agent to review the 1,589 files on current holders. To determine and review the remaining files would, of course, be in addition to the foregoing, as to which no reliable estimate can be given, and the actual time and expense involved would not be known until the review was completed.

3. Supplemental Interrogatory No. 3:

If your answer to Supplemental Interrogatory No. 1 is no, please describe the manner in which it was determined that no persons within the categories set forth in the interrogatory were being accredited or otherwise admitted to White House press conferences and briefings.

Answer to Supplemental Interrogatory No. 3:

Not applicable.

4. Supplemental Interrogatory No. 4:

If your answer to Supplemental Interrogatory No. 1 is indefinite, please set forth any and all information you have to demonstrate that persons with conviction or arrest records have not been accredited or otherwise admitted to White House press conferences or briefings within the last ten years.

Answer to Supplemental Interrogatory No. 4:

See answer to Interrogatory No. 2.

5. Supplemental Interrogatory No. 5:

If your answer to Supplemental Interrogatory No. 1 is yes, please set forth in detail the reasons why the plaintiffs in this action have been denied accreditation to White House press conferences and briefings while the persons described in Supplemental Interrogatory No. 1 have been accredited or otherwise admitted to the White House.

Answer to Supplemental Interrogatory No. 5:

Plaintiffs in the present action were denied accreditation to the White House press conferences by the White House Press Secretary on recommendations that accreditation be denied for security reasons based on the background checks made by this Service. Those recommendations were based on a number of factors which the Secret Service considers after conducting its background check; principally, however, among them was an assessment made by this Service regarding plaintiffs' tendencies towards violent behavior in their capacities as professional news gatherers and/or in their personal life. The fact that a person has arrests and/or convictions is only one of many factors considered by this Service in making its overall determination. Arrest or conviction, per se, is not disqualifying. The basis for the arrest and/or conviction is the more critical factor. Obviously those arrests and convictions involving violent behavior have a more direct bearing on the determination than those which do not. Thus the Secret Service cleared persons accused of burglary but recommended against the issuance of a pass to a person convicted of armed robbery. However, no mechanical formula is applied -- nor can it be. Each case is determined on the factors and circumstances reported to the Service and the decision is based on an individual assessment of the applicant's potential for violence vis-a-vis the physical safety of the President.

6. Supplemental Interrogatory No. 6:

With respect to the admission of journalists or other members of the press to presidential appearances outside of the White House, including but not limited to appearances by the President in the Chamber of the House of Representatives for State of the Union addresses, please state whether members of the press not accredited to the White House are permitted to cover such appearances from the same locations as members of the press who are accredited to the White House.

Answer to Supplemental Interrogatory No. 6:

I have no direct knowledge regarding the answer to this interrogatory.

7. Supplemental Interrogatory No. 7:

If your answer to the foregoing interrogatory is yes, please set forth in detail the reasons for this practice.

Answer to Supplemental Interrogatory No. 7:

If access is permitted to persons not holding White House press accreditation at Presidential appearances located outside of the White House, the access would be pursuant to the rules of the location where the Presidential appearance takes place. The Secret Service would not determine who could be present for press purposes. However, the Service, under its statutory duty of protecting the President, would, of course, station agents at critical vantage points. In this connection the difference between access to the White House and other areas must again be emphasized. For example, during a Presidential appearance at the Capitol, newsmen and spectators are restricted to their respective galleries, while at the White House, those admitted to enter, especially newsmen, are not always personally accompanied by a Special Agent while present and are relatively free to come and go as they please. Because of the frequency of their visits and greater proximity to the President, a higher order of trust is required

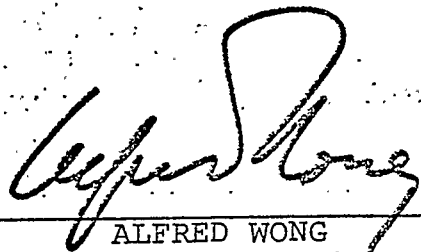
and accorded those who possess White House press passes. This requires the Secret Service to make its own assessment of the danger, if any, a particular individual may pose to the physical safety of the President in the physical locale of the White House, where the individual may be alone and unobserved for indeterminate periods of time with greater opportunity to cause harm to the President than would be the case, say, in a press gallery where he would be under constant observation not only by Special Agents, but also other newsmen throughout the whole of the time the President was present in the area.

8. Supplemental Interrogatory No. 8:

If your answer to Supplemental Interrogatory No. 6 is either no or indefinite, please set forth any information you have to demonstrate that this practice does not exist.

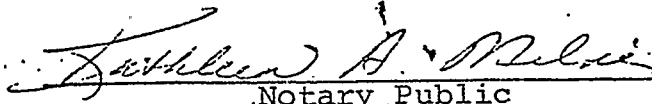
Answer to Supplemental Interrogatory No. 8:

Not applicable.



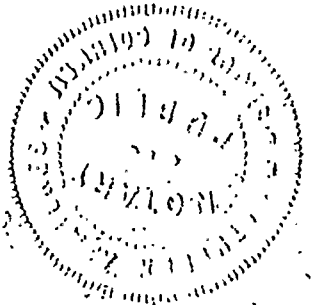
ALFRED WONG
Deputy Assistant Director
(Protective Intelligence)
United States Secret Service

Subscribed and sworn to before me this 4th day of April 1975.



Notary Public

My Commission expires My Commission Expires November 30, 1979, 19 .



CERTIFICATE OF SERVICE

I certify that on this date I served a copy of the foregoing

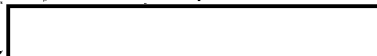
RESPONSE TO PLAINTIFFS'
SUPPLEMENTAL INTERROGATORIES

upon the plaintiffs by mailing copies thereof to their following
counsel of record:



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b7c

American Civil Liberties Union
Foundation
22 East 40th Street
New York, New York 10016



American Civil Liberties Union
Washington Office
410 First Street, S.E.
Washington, D.C. 20003



April 4, 1975

Attorney, Department of Justice
Washington, D.C. 20530
Telephone: 202/739-3032

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THOMAS FORCADE
and [REDACTED]

Plaintiffs,

v.

H. STUART KNIGHT, et al.,

Defendants.

Filed April 4, 1975
Civil Action No. 1258-73

DEFENDANTS' OBJECTIONS TO CERTAIN OF
PLAINTIFFS' SUPPLEMENTAL INTERROGATORIES

Come now the defendants, by their undersigned attorneys,
and pursuant to Rule 33 of the Federal Rules of Civil
Procedure, respectfully object to certain of plaintiffs'
Supplemental Interrogatories, mailed March 5, 1975, on the
following grounds:

Objections to Supplemental Interrogatory Nos. 2 and 4:

Defendants object to Supplemental Interrogatories Nos. 2
and 4 on the grounds that the information sought, except to
the extent related by defendants in their answer thereto
based on the memory of Alfred Wong, Deputy Assistant Director
(Protective Intelligence), United States Secret Service, is
not now known or readily available, and that it would require
a review of each individual file maintained by the Secret
Service Protective Intelligence Division in order to ascertain
the remaining information required by these interrogatories,
which review would be unduly oppressive, expensive and
burdensome; would constitute an unwarranted interference and
disruption of the normal function of the Secret Service; would

not serve any substantial purpose in this civil action; and, in the public interest, should not be required in the absence of an express showing by the plaintiffs of the necessity of the expenditure of public funds for this purpose.

Respectfully submitted,

[redacted]
Acting Assistant Attorney General

[redacted]
Attorney, Department of Justice

[redacted]
Attorney, Department of Justice
Washington, D.C. 20530
Telephone: 202/739-3032

Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that on this date I served a copy of the foregoing

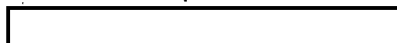
DEFENDANTS' OBJECTIONS TO CERTAIN OF
PLAINTIFFS' SUPPLEMENTAL INTERROGATORIES

upon the plaintiffs by mailing copies thereof to their following
counsel of record:



American Civil Liberties Union
Foundation
22 East 40th Street
New York, New York 10016

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b7C



American Civil Liberties Union
Washington Office
410 First Street, S.E.
Washington, D.C. 20003

April 4, 1975



Attorney, Department of Justice
Washington, D.C. 20530
Telephone: 202/739-3032

UNITED STATES GOVERNMENT

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-24-2010 BY 60322/UC/LRP/STP/ETG

Memorandum

TO : DIRECTOR, FBI (100-469538)

FROM : *WPK* SAC, NEW YORK (100-169079) (P*)

SUBJECT: *9* THOMAS KING FORCADE
SM

DATE: 9/4/75

Re New York FD-122 to Bureau, dated 4/2/75.

FORCADE is currently involved in a suit against the government, captioned Thomas K. Forcade and v. H.V.Knight; et.al. (U.S.D.C., D.C.) Civil Action Number 125-73. New York has not received any current information or instructions regarding this matter.

Referenced New York FD-122 removed subject from the ADEX and placed this matter in a pending inactive status. New York will continue this matter in a pending inactive status for a period of six months or until notified of further developments in the suit.

LX-106

REC-43

100-469538-225

1 SEP 9 1975

② - Bureau (RM)
1 - New York

NFD
(3)

56 SEP 15 1975



5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

TO: SAC:

<input type="checkbox"/> Albany	<input type="checkbox"/> Houston
<input type="checkbox"/> Albuquerque	<input type="checkbox"/> Indianapolis
<input type="checkbox"/> Alexandria	<input type="checkbox"/> Jackson
<input type="checkbox"/> Anchorage	<input type="checkbox"/> Jacksonville
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<input type="checkbox"/> Birmingham	<input type="checkbox"/> Las Vegas
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<input type="checkbox"/> Butte	<input type="checkbox"/> Louisville
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<input type="checkbox"/> Denver	<input type="checkbox"/> New Haven
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<input type="checkbox"/> El Paso	<input checked="" type="checkbox"/> New York City
<input type="checkbox"/> Honolulu	<input type="checkbox"/> Norfolk

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<input type="checkbox"/> San Juan
<input type="checkbox"/> Savannah
<input type="checkbox"/> Seattle
<input type="checkbox"/> Springfield
<input type="checkbox"/> Tampa
<input type="checkbox"/> Washington Field
<input type="checkbox"/> Quantico

TO LEGAT:

<input type="checkbox"/> Beirut
<input type="checkbox"/> Bern
<input type="checkbox"/> Bonn
<input type="checkbox"/> Brasilia
<input type="checkbox"/> Buenos Aires
<input type="checkbox"/> Caracas
<input type="checkbox"/> Hong Kong
<input type="checkbox"/> London
<input type="checkbox"/> Madrid
<input type="checkbox"/> Manila
<input type="checkbox"/> Mexico City
<input type="checkbox"/> Ottawa
<input type="checkbox"/> Paris
<input type="checkbox"/> Rome
<input type="checkbox"/> Singapore
<input type="checkbox"/> Tel Aviv
<input type="checkbox"/> Tokyo

RE:

Date 1/23/76

THOMAS KING FORCADE

SM

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 06-24-2010 BY 60322/UC/LRP/STP/ETG

☐ For information ☐ Retention optional ☒ For appropriate action ☐ Surep, by _____

☐ The enclosed is for your information. If used in a future report, ☐ conceal all sources, ☐ paraphrase contents.

☐ Enclosed are corrected pages from report of SA _____ dated _____

Remarks:

A review of this matter indicates an informant under the SPECTAR Program furnished information on subject which indicated subject might plan some disruptive activities at the 1976 Democratic Convention. FBIHQ concurs in your keeping Forcade's case in a closed status because we no longer investigate Yippies. However, if any informants report that Forcade is planning acts of violence, FBIHQ should be advised

CONTINUED PAGE TWO

Enc.

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100-469538
100-169079

and the Department of Justice will be contacted concerning the reinstitution of active investigation of Forcade. For your information, the Forcade lawsuit continues to be in litigation. Subject will not be given the opportunity to hide behind a lawsuit if he plans violence.

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (100-469538)

FROM : SAC, NEW YORK (100-169079) (C)

SUBJECT: THOMAS KING FORCADE
SM

DATE: 10/29/75

ReNYlet to Bureau, dated 9/4/75.

Enclosed for FBIHQ are two copies of an FD-366. One copy of FD-366 disseminated to Secret Service, NYC.

FORCADE is currently involved in a suit against the government, captioned Thomas K. Forcade and [redacted] v. H.V.Knight; et.al. (U.S.D.C., D.C.) Civil Action Number 125-73. New York has not received any current information or instructions regarding this matter.

On 9/30/75, [redacted] advised that he met TOM FORCADE, former "Yippie", now editor of "High Times" magazine, at FORCADE's residence, Fifth Avenue Hotel, room 214, New York City, N.Y., on 9/30/75. FORCADE advised that he is currently "resurrecting the 'Yippies' and 'Zippies' in order to prepare for disrupting actions and demonstrations at the 1976 Democratic National Convention scheduled to be held in New York City. FORCADE is in the process of locating office space on West 10th Street, New York City, for the new YIP.

In accordance with Bureau instructions, subject is not being investigated because of his affiliation with YIP.

New York is placing this matter in a closed status until such time as further instructions re captioned lawsuit are received.

2- ENCLOSURE

② - Bureau (RM)
1 - New York
NFD
(3)

EX-110
REC-58
D-7 to NY (attached)
HPR: bmy 1/23/76
FD-366 to SS (0-14)

23 NOV 3 1975



5010-110

JAN 27 1976

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

NEW YORK, NEW YORK
OCTOBER 29, 1975

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-24-2010 BY 60322/UC/LRP/STP/ETG

In Reply, Please Refer to
File No.

SUBJECT: THOMAS KING BIRNBAUM
CHARACTER: SUBVERSIVE MATTER
REFERENCE: NEW YORK COMMUNICATION, 5/10/74

Referenced communication contained subject's residence and/or employment address. A recent change has been determined and is being set forth below (change only specified):

Residence: Fifth Avenue Hotel
Fifth Avenue and 9th Street
Room 214
New York City, New York
Employment:

100-469538-
ENCLOSURE

UNITED STATES GOVERNMENT

Memorandum

Director

TO : Federal Bureau of Investigation
Attention: Legal Counsel Division

DATE: OCT 17 1975

FROM : Richard L. Thornburgh
Assistant Attorney General
Criminal Division

SUBJECT: Forcade, et al., v. Knight, et al.
(D.D.C.) Civil Action No. 1258-73

On January 30, 1975 at the request of the Bureau, then Acting Attorney General of the United States, [redacted] asserted a formal Claim of Privilege against the disclosure of certain portions of Bureau documents in Secret Service files pertaining to plaintiff Thomas Forcade, in order to protect the identity of a Bureau informant who had furnished information with respect to Forcade's "Threat Against the President." Similarly, on January 30, 1975 the Secretary of the Treasury, William E. Simon, filed a Suggested Claim of Privilege to protect from disclosure to the plaintiffs the same information in Secret Service files derived from such Bureau reports.

In camera exhibits accompanying [redacted] Claim and Mr. Simon's Suggested Claim were submitted to the Court. These exhibits contained the complete text of each document as to which a Claim or Suggested Claim had been made. For the Court's convenience, the privileged portion of each document was underlined for ready identification.

On January 31, 1975, the plaintiffs were separately furnished copies of the documents with the privileged portions excised.

On October 14, 1975, during the course of a bench conference outside of the hearing of plaintiffs' counsel, the Court informed [redacted] of this Division, who is representing the defendants in this action, of apparent errors with respect to the in camera exhibit submitted with Secretary Simon's Suggested Claim of Privilege -- in that one reference to the "Threat Against the President" and other information furnished by the same informant concerning Forcade's use of marihuana and LSD were not underlined, and that Secretary Simon's affidavit did not suggest a claim of privilege with respect thereto.

The Court referred to the recitation of the "threat" contained in the paragraph captioned "Education and Training" on page 2 of a January 24, 1972 report of Secret Service Special Agent [redacted] (see paragraph 5.B. of Secretary Simon's

EX-115 REC-9 100-409538



1cc Rm 4440

DEC 16 1975

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Suggested Claim of Privilege), and to the information furnished by the informant concerning Forcade's use of LSD contained in the last sentence of paragraph 02 in a Secret Service abstract print-out dated February 20, 1974 (see paragraph 5.F. of Secretary Simon's Suggested Claim of Privilege).

On October 15, 1975, [redacted] related the foregoing to Special Agent [redacted] and furnished him with copies of : (a) [redacted] Claim of Privilege, together with in camera Exhibit A thereto (which also contains the affidavit of Special Agent [redacted] setting forth the necessity for the claim); (b) Secretary Simon's Suggested Claim of Privilege, together with in camera Exhibit A with respect thereto; and (c) a set of the excised documents mailed to plaintiffs by defendants on January 31, 1975. b6 b7C

In view of this development, the Bureau is requested to assess the need for further action by the Department to protect the safety of the informant and advise this Division accordingly. Depending on the Bureau's assessment, the Department could (a) withdraw the claim and furnish the excised portions to the plaintiffs; (b) withdraw the claim as to information merely revealing the nature of the "threat" but continue the claim as to all information which would tend to reveal the identity of the informant (which would include a continued claim on the information revealing the nature of the "threat", if it is positioned in a document in such fashion that its disclosure would tend to reveal the identity of the informant)*;/ or (c) request the Court to recall the documents to allow excised pages to be substituted and an appropriate Suggested Claim of Privilege to be made by Secretary Simon with respect thereto.

The Court also instructed [redacted] to cause a fresh review to be made of the excised documents previously furnished to the plaintiffs, to determine if any other privileged matter was inadvertently included therein. Accordingly, the Bureau is requested to review the excised documents for that purpose, and inform this Division of the results of its review at the same time it furnishes its recommendations with respect to the best course of action to follow concerning the inadvertent disclosure of the information contained on page 2 of the January 24, 1972 report of Special Agent [redacted]

*/ In this connection, we do not believe that any claim of privilege with respect to the information contained in the last sentence of paragraph 02 of the February 20, 1974 abstract was needed because, in the context of the document, such information did not pinpoint the informant.

~~SECRET~~

LA 284

NR 005 LA CODE

4:48PM NITEL OCTOBER 18, 1975 AV

TO DIRECTOR (105-157128)

(U) NEW YORK [redacted] (S)

(U) FROM LOS ANGELES [redacted] (P)

ATTN: INTD

~~C O N F I D E N T I A L~~

[redacted] (SPECTAR). (S)

(U) SOURCE ADVISED, OCTOBER 18, 1975, HE WAS IN SAN LUIS
OBISPO, CALIFORNIA. SOURCE PICKING UP [redacted]

[redacted] AN INMATE, WHO WAS BEING PAROLED FROM THE

[redacted] TO

MEET [redacted] ATTORNEY, PRISON LAW COLLECTIVE, FOR

(U) DISCUSSIONS CONCERNING PRISON ABOLITION MOVEMENT. (S)

(U) SOURCE IN POSSESSION OF "RED BOX" SUPPLIED BY [redacted]

NEW YORK (S) *phone # 100*

SOURCE ADVISED HE HAS ESTABLISHED TRUSTED FRIENDSHIP
WITH TON FORCADE, ONE OF THE GAINESVILLE EIGHT. FORCADE
OWNER OF "HIGH TIMES", AN AVANT-GARDE NARCOTICS MAGAZINE
PUBLISHED IN NEW YORK. FORCADE FINANCING ZIPPIE MOVEMENT. (S)

(U)

*Records - place
cc in Bufile # 100-169079*

ROUTE IN ENVELOPE

~~SECRET~~

70 NOV 14 1975

Classified by SP1GSK/PSK
Declassify on: OADR
1/21/83

Asst. Dir.:	
Adm. Serv.	
Crim. Inv.	
Ident.	
Insp.	
Intell.	
Lab.	
Legal Coun.	
Plan. & Insp.	
Rec. Mgmt.	
Tech. Serv.	
Training	

no Forcade's presence

[redacted]

b2
b6
b7C
b7D

ORIGINAL FILED IN 100-479028-73

100-469538

NOT RECORDED
191 NOV 5 1975

~~SECRET~~

(U)

PAGE TWO (LA [REDACTED] ~~(S)~~) ~~C O N F I D E N T I A L~~
WHICH PLANS TOTAL DISRUPTION OF NATIONAL POLITICAL CONVENTIONS
IN 1976. FORCADE VITALLY INTERESTED IN SOURCE'S PHONE FREAK
CONTACTS FOR USE IN ZIPPIE MOVEMENT. SOURCE ANTICIPATES
PLACING [REDACTED] IN ZIPPIE MOVEMENT FOR MORE EFFECTIVE
(U) AND COMPLETE COVERAGE OF ZIPPIE ACTIVITIES. ~~(S)~~

b2
b6
b7C
b7D

(U) SOURCE RETURNING NEW YORK AREA OCTOBER 23, 1975. ~~(S)~~

NEW YORK INITIATE INVESTIGATION REGARDING FORCADE.

THROUGH INFORMANT, ATTEMPT FURTHER IDENTIFICATION OF

[REDACTED] FOR IOC VIOLATION. ~~(S)~~

(U)

ADMINISTRATIVE.

CLASSIFIED ~~X~~ BY 5411, ~~X~~ XDS CATEGORY 2, ~~X~~ INDEFINITE. ~~X~~

END

~~SECRET~~

1 - [redacted]
(Attn: [redacted])
1 - [redacted]
1 - [redacted]
1 - [redacted]

b6
b7C

Assistant Attorney General
Criminal Division

November 20, 1975

EX-115
Director, FBI

Attention: [redacted]

REC-9 100-469538-228

FORCADE, et al., v.
KNIGHT, et al.
(D.D.C.)
CIVIL ACTION NO. 1258-73

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-24-2010 BY 60322/UC/LRP/STP/ETG

Reference is made to your letter dated October 17, 1975, bearing the above caption.

Per your request, a review was conducted of the alternatives currently available in connection with the inadvertent release to the plaintiffs of information in a Secret Service (SS) report originally received from an informant of the Federal Bureau of Investigation (FBI) and previously considered to be privileged. It is recommended that alternative (b) provided in your letter, be adopted, as it is deemed the best course of action. As stated in your letter, this alternative is "(b) withdraw the claim as to information merely revealing the nature of the 'threat' but continue the claim as to all information which would tend to reveal the identity of the informant (which would include a continued claim on the information revealing the nature of the 'threat,' if it is positioned in a document in such fashion that its disclosure would tend to reveal the identity of the informant)."

Per your request, a fresh review was made of the excised documents previously furnished the plaintiffs. These documents, provided by [redacted] of your Division, to Special Agent [redacted] included documents from United States Secret Service. This review revealed no other information inadvertently included which should have been excised. The documents have been returned to [redacted] according to his instructions.

HPB:bmf
(7)

SEE NOTE PAGE TWO

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.: _____
- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Plan. & Eval. _____
- Rec. Mgmt. _____
- Training _____
- Off. Liaison _____
- Telephone Rm. _____
- Director's Sec'y _____

DEC 16 1975

MAIL ROOM ☐ TELETYPE UNIT ☐

Assistant Attorney General
Criminal Division

NOTE:

Under disclosure proceedings, Justice Department inadvertently released to plaintiffs, the Secret Service document reporting information from a Bureau informant [redacted] which should have been excised under executive privilege claimed by the Bureau. Both Justice Department and Secret Service had missed the information in their respective reviews. Of the three alternatives presented by the Department, alternative (b) continues to protect the informant. It does not emphasize the mistake to the plaintiffs by recalling the document in question. It also continues to protect other information from this informant which has previously been excised. A new review of all documents released, revealed no other information which should have been excised. The Detroit Office and Office of Legal Counsel both concur in the choice of alternative (b).

b2
b7D

October 24, 1975

To: [redacted]
(Attention: [redacted])

Thomas

RE: FORCADE, et al., v.
KNIGHT, et al.
(D.D.C.)
CIVIL ACTION NO. 1258-73

Attached hereto are the original and one copy
of a memorandum from the Assistant Attorney General,
Criminal Division, to the Director, FBI, dated 10/17/75.

As stated in Mr. Thornburgh's memorandum,
the circumstances outlined have been previously drawn to
the attention of this Division and [redacted]
of your Division by Departmental Attorney [redacted]
[redacted] Mr. Thornburgh requests advice as to the
course of action to be followed concerning the inadvertent
disclosure of information relating to an informant in a
report by Secret Service. We have concluded that unless
you receive information from the Detroit Office which would
dictate otherwise, that the alternative outlined as (b) in the
second full paragraph on page two of Mr. Thornburgh's
memorandum would be the best solution to this situation.

Accordingly, we request that you respond
directly to Mr. Thornburgh's memorandum in this regard
and also advise him of the results of the other requests he
makes for a full review of all excised documents previously
furnished to the plaintiffs to determine if any other privileged
matter was inadvertently included therein.

EX-115 Legal Counsel

Encs. (2)

2 [redacted]

PGD:kiw
(4)

biw

REC-9

100-469538-228

JAM
9/24

5 DEC 5 1975

[redacted]

LEGAL COUNSEL

b6
b7C

*let to AAG
HPE: bwp
11/18/75
11/20/75*

UNITED STATES GOVERNMENT

Memorandum

TO : Director
Federal Bureau of Investigation
Attention: Legal Counsel Division

FROM : Richard L. Thornburgh
Assistant Attorney General
Criminal Division

SUBJECT: Forcade, et al. v. Knight, et al.
(D.D.C.) Civil Action No. 1258-73

DATE: May 14, 1976

We enclose herewith for your files in the referenced civil action copies of the following:

1. DEFENDANTS' FURTHER MEMORANDUM IN OPPOSITION TO PLAINTIFFS' MOTION FOR ACCESS TO IN CAMERA MATERIAL, filed April 7, 1976; and
2. MEMORANDUM AND ORDER, filed May 6, 1976.

EXP. PROC.
40 MAY 18 1976

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b7C

Enclosures

EX-112

REC-81

100-46953-229
19
MAY 18 1976

ENCLOSURE

ENCLOSURE ATTACHED

LEGAL COUNSEL

1 CCT
in Encl
FILE
RM 7826



5010-110
55 MAY 26 1976

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THOMAS FORCADE)
and [REDACTED])
)
Plaintiffs,)
)
v.) Civil Action No. 1258-73
)
H. STUART KNIGHT, et al.,)
)
Defendants.)
_____)

b6
b7C

DEFENDANTS' FURTHER MEMORANDUM
IN OPPOSITION TO PLAINTIFFS' MOTION
FOR ACCESS TO IN CAMERA MATERIAL

Statement

Pursuant to the Order entered by the Court on January 16, 1975 (allowing the defendants to make a formal claim of privilege as to any portions of the protective intelligence and investigative files of the United States Secret Service proffered by the defendants in support of their alternative motion for summary judgment) the defendants, on January 30, 1975 filed a formal claim of privilege by the then Acting Attorney General of the United States against the disclosure, other than to the Court, ex parte, in camera, of certain portions of FBI documents in Secret Service files pertaining to plaintiff Thomas Forcade, in order to protect the identity of a Bureau informant who had furnished information with respect to threats against the President allegedly made by plaintiff Forcade. The claim was premised on the conclusion that to disclose the nature

of plaintiff's alleged threats could identify the Bureau's source of the information and to disclose the identity of the Bureau's source could jeopardize that informant's safety. A correlative suggestion of privilege was made by the Secretary of the Treasury to protect from disclosure other than to the Court, ex parte, in camera, of the same information in Secret Service documents derived from information furnished the Service by the FBI. On January 31, 1975 plaintiffs were furnished copies of the Secret Service files with the privileged information pertaining to plaintiff Forcade supposedly excised.

The excised material was, of course, included in the in camera exhibits accompanying the Claim and Suggested Claim. These exhibits contained the complete text of each document as to which a Claim or Suggested Claim had been made. For the Court's convenience, the privileged portion of each document was underlined for ready identification.

Following its examination of the in camera exhibits, the Court on October 14, 1975 held a hearing on the pending claim of privilege, during the course of which the Court held a bench conference with defendants' counsel on the record but outside the hearing of plaintiffs' counsel. At that time the Court informed defendants' counsel of apparent discrepancies in the in camera exhibits accompanying the Suggested Claim of the Secretary of the Treasury, in that certain information pertaining to one of the alleged threats by plaintiff Forcade as well as

certain other information pertaining to plaintiff Forcade furnished by such informant, had not been underlined; and upon subsequently being informed by defendants' counsel that all material not underlined had been furnished to plaintiffs' counsel, inquired if the matter of privilege was now moot. ^{*}/

Discussion

Two issues are now before the Court by reason of the inadvertent disclosure of the nature of one of threats allegedly made by plaintiff Forcade: (1) whether the claim of privilege is now moot; and (2) whether plaintiffs' motion to compel is now moot.

In brief, the claim of privilege is not moot as to matters not inadvertently disclosed; but by reason of the inadvertent disclosure with respect to one of the threats and the defendants' suggestion herein that the Court adjudicate the matter on the present open record, plaintiffs' motion to compel is now moot.

1. The claim of privilege is not moot. While the claim of privilege as to information merely revealing the nature of the

^{*}/ The Court also requested defendants' counsel to cause a fresh review to be made of the Secret Service files furnished plaintiffs' counsel to ascertain if any other related information had been inadvertently disclosed to plaintiffs' counsel. At the request of defendants' counsel, the FBI reviewed the Secret Service files furnished plaintiffs' counsel and advised counsel that no other privileged information had been disclosed.

threat which was inadvertently disclosed is now moot, the claim is not moot on two categories of information not inadvertently disclosed: (a) as to the disclosed threat -- the date the threat was made, the place the threat was made, and the location of the informant. Also the claim is not moot as to duplicative information revealing the nature of the disclosed threat, when such information is positioned in a document in such a fashion that its disclosure would tend to further reveal the identity of the informant; and (b) as to the other undisclosed threat -- all information relating thereto.

Moreover, there was no inadvertent disclosure of other information supplied by the informant relating to plaintiff Forcade. In certain instances privilege was claimed with respect to certain information because it was so positioned in the document that its release would tend to disclose the identity of the informant; but privilege was not claimed as to the same information when it was not so positioned. Indeed, other information supplied by the informant is in the open record, but no claim was made with respect thereto because the defendants did not believe that the disclosure of that information would tend to identify the informant.

Accordingly, while so much of the Claim and Suggested Claim as goes to the nature of one of the threats is now moot, for

reasons aforesaid, the remainder of the Claim and Suggested Claim ^{**/} is not moot. It remains only to be said that the Court should not require the defendants to state which of the substantive information was inadvertently disclosed, for to highlight it in such fashion could itself operate to disclose the identity of the informant.

2. The Court should adjudicate the matter on the present open record. Following the inadvertent disclosure of the nature of one of the threats, to avoid, if possible, the issue of in camera review of the substantive bases for the denial action with respect to plaintiff Forcade, the Office of Protective Intelligence of the United States Secret Service was requested to review the record to determine whether the issue of plaintiff Forcade's entitlement to a White House press pass could be fairly adjudicated without substantive consideration by the Court of the other threat. In other words, whether the present open record contains all of the substantive bases necessary to a rational decision in the matter.

**/ At the October 14, 1975 hearing the Court also noted that the Suggested Claim of Privilege of the Secretary of the Treasury, unlike the Claim of Privilege of the Acting Attorney General, suggested privilege with respect to the whole of each document containing privileged information and inquired of defendants' counsel whether such a broad assertion was in fact intended. Defendants' counsel responded that the intention of the Secretary was to suggest privilege only with respect to the privileged portion of each document. On March 25, 1976 in a letter to defendants' counsel, the General Counsel of the Treasury Department confirmed the correctness of counsel's response. (See Defendants' Exhibit A). Accordingly, to the extent that the Suggested Claim of Privilege of the Secretary of the Treasury goes beyond the particular privileged items in the in camera exhibit accompanying that affidavit to which such suggested claim was intended, such suggested claim of privilege has been modified. As to the privileged portion inadvertently not underlined (and consequently disclosed to plaintiff's counsel), such suggested claim is now moot.

As evidenced by the aforesaid letter of March 25, 1976 from the General Counsel of the Treasury Department to defendants' counsel, the Office of Protective Intelligence concluded that the presence or absence of that one item of information (the "undisclosed" threat) would not have altered the determination that plaintiff Forcade posed and still poses a security threat to the physical safety and security of the President -- that the Office of Protective Intelligence, without considering this one item, would have reached the same decision based on the information which has now been disclosed to the plaintiffs.

Thus, while the defendants believe that it would have been proper for the Court to have considered some (or if need be, all) of the substantive bases ex parte, in camera in its review of the denial action respecting plaintiff Forcade if such had been imperative, ^{***/} see, in addition to United States ex rel. Barbour v. District Director of the Immigration and Naturalization Service,

^{***/} To consider the information to protect the President, and to do so ex parte, in camera to protect the informant.

491 F. 2d 573 (5th Cir. 1974), cert. denied, 419 U.S. 873

(1974); McCormick's Handbook on the Law of Evidence (2d Ed.

1972) §111 at 238, n. 53, and the case of Stelloh v. Liban,

21 Wis. 2d 119, 124 N.W. 2d 101 (1963), cited therein; ****/

in view of the inadvertent disclosure of one threat and the conclusion of the Office of Protective Intelligence with respect to the lack of imperative need for the Court to consider the other threat on the merits, the defendants now agree that the Court may properly avoid this issue and reach its decision in the premises on the record as it has been disclosed to the plaintiffs.

3. Plaintiffs' motion to compel is now moot. In response to plaintiffs' request for documents, the defendants interposed no objection to the disclosure of information in Secret Service files which would not tend to reveal the source of the information. Thus, an objection was made and a Claim and Suggested Claim of

****/ As to the use of the ex parte, in camera process in criminal cases, see, e.g., United States v. Freund, 18 Cr. L. 2375 (5th Cir., January 7, 1976), where the Court of Appeals recognized that the government has an interest in protecting an informant's anonymity ("Like the ordinary tipster, if this informant's identity is publicized, his usefulness to the government in future narcotics cases may be at an end and he could be exposed to harm from persons seeking revenge for past actions."), and, in the circumstances of that case, directed the District Court to conduct an ex parte, in camera interview with the informant.

Privilege were filed with respect to some of the information obtained from one source on the conclusion that disclosure of that information would either itself or in the context of document sought tend to reveal the identity of that source. Since some of that substantive information has been inadvertently disclosed and the remainder can be safely disregarded to avoid any unnecessary adjudication of the issue of in camera review of substantive evidence on the merits, plaintiffs' demand for disclosure of all substantive bases has now been satisfied and the demand for further disclosure is now moot.

In this connection it should be noted that plaintiffs have not per se sought the identity of any source -- and while the Claim and Suggested Claim continue to operate to protect further disclosure of the informant's identity, the impact of the Claim and Suggested Claim is now materially different. Thus, while at this juncture the Court is not called upon to use the in camera material in the substantive adjudication of this action, it is still necessary for the Court to rule on the Claim and Suggested Claim, for otherwise, under the terms of the Court's Order of January 15, 1975, such information would have to be disclosed to the plaintiffs. However, it is not clear whether plaintiffs will seek to determine the identity of the Bureau's sources. To date,

they have only sought to obtain all of the information furnished by such sources. If plaintiffs consider the date and locations of the "disclosed" threat as being "substantive" material, then, of course, the matter is not moot. But in context we believe that plaintiffs' motion was not intended to ascertain the identity of informants, for such a constriction would delimit plaintiffs' motion to one informant which would be an illogical construction of plaintiffs' motion. This construction of plaintiffs' motion is reinforced by the fact that plaintiffs have not yet contended that they are entitled, not only to all substantive information, but to the identity of all sources who supplied such information. The thrust of their motion was that the Government cannot "introduce 'relevant and material' evidence without disclosing it to the other side." (Plaintiffs' Memorandum of Points and Authorities in Support of Motion for Access to In Camera Material, p. 5). Plaintiffs have not as yet contended that, with full possession of the substantive bases, they are further entitled to know the identity of the sources of the information; nor have they briefed the Court on such issue.

Thus, to resolve the dilemma presented by the instant claim and Suggested Claim, the defendants respectfully suggest that the claim be sustained without prejudice to the rights of the plaintiffs separately to move for any and all information pertaining

to the identity of sources of information. This approach will protect from disclosure at this juncture information which the Government deems privileged and which plaintiffs have not as yet sought; and at the same time allow plaintiffs, if they so choose, to seek such information directly if they believe they are legally entitled thereto. This approach avoids the necessity of precipitating the issue in advance of a motion by the plaintiffs directly addressed thereto. It may well be that plaintiffs will conclude that being in possession of all substantive information, they are not now in the position of being "unable to respond to this information in any way, or to test its accuracy, because he [plaintiff Forcade] has not been given access to it." (Plaintiffs' Memorandum, supra, at 3). And if plaintiffs should conclude that such information is necessary to the litigation, they can fully brief the Court on the question and the defendants will respond as appropriate.

Respectfully submitted,

RICHARD L. THORNBURGH
Assistant Attorney General

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b7C

[Redacted]
Attorney, Department of Justice

[Redacted]
Attorney, Department of Justice
Washington, D.C. 20530
202/739-3032

Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that on this date I served a copy of the foregoing

DEFENDANTS' FURTHER MEMORANDUM
IN OPPOSITION TO PLAINTIFFS' MOTION
FOR ACCESS TO IN CAMERA MATERIAL

upon the plaintiffs by mailing copies thereof to their following
counsel of record:



American Civil Liberties Union
Foundation
22 East 40th Street
New York, New York 10016

b6
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American Civil Liberties Union
Washington Office
410 First Street, S.E.
Washington, D. C. 20003

April 6, 1976



Attorney, Department of Justice
Washington, D. C. 20530
Telephone: 202/739-3032

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THOMAS FORCADE
and [REDACTED]

Plaintiffs

v.

H. STUART KNIGHT, et al.,

Defendants.

Special Litigation Section

Civil Action No. 1258-73

MEMORANDUM AND ORDER

Presently pending before the Court are two sets of motions. The parties filed cross-motions for summary judgment on April 15, 1974 and June 21, 1974 respectively; a portion of plaintiffs' motion for summary judgment also sought an order to compel responses to certain discovery requests if their motion for summary judgment was denied. Subsequent to filing the cross motions for summary judgment, plaintiffs sought access to certain materials which defendants had submitted in camera to the Court to be considered ex parte by the Court in support of defendants' motion for summary judgment.

On January 16, 1975, this Court ordered defendants to assert a formal claim of privilege with regard to the documents submitted in camera or disclose them to plaintiffs. The bulk of the documents were released to plaintiffs on January 31, 1975, but defendants asserted a formal claim of privilege with regard to eleven of the documents. On March 7, 1975, plaintiffs then made their motion for access to these eleven documents, for the following reason:

A reading of the captions and unexcised portions of these documents reveals that the information which the defendants are withholding -- even from plaintiff Forcade and his counsel alone under a protective order -- lies at the core of their case for excluding Forcade from the White House. Apparently this is information on which they principally rely in moving for summary judgment against him. Nevertheless, Forcade is unable to

93-16-4028	
DEPARTMENT OF JUSTICE	2
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F.A.D.	
OFFICE FILES	
NATIONAL DIV.	

respond to this information in any way, or to test its accuracy, because he has not been given access to it.

Pls' Mem. in Support of Motion for Access at 3. Thus, according to plaintiffs, "It is fundamentally unfair to bar plaintiffs' access to material proffered by the defendants in this case in support of their own motion for summary judgment." Id. at 4. The clear thrust of plaintiffs' motion for access is that this Court should not consider the material unless plaintiffs are able to respond to the information or test its accuracy. They have not affirmatively sought access to the material as necessary to support their own allegations or their pending motion for summary judgment. 1/

Certain portions of the documents with respect to which defendants asserted a formal claim of privilege were inadvertently disclosed to plaintiffs in the course of this litigation. On April 7, 1976, defendants represented to the Court that the decision to deny plaintiff Forcade a White House press pass would have been the same even if they had relied solely on the inadvertently disclosed information. Defendants therefore agree that this Court may "reach its decision in the premises on the record as it has been disclosed to the plaintiffs." Defs' Further Mem. in Opp. to Pls' Motion for Access at 7. In light of this representation, the Court will proceed to decide the pending cross-motions for summary

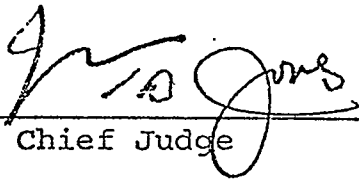
1/ As noted earlier, plaintiffs have moved to compel response to certain discovery requests in the event their motion for summary judgment is denied. See Pls' Mem. in Support of Motion for Summary Judgment. Two of the discovery requests still outstanding, Document Requests No. 8 and 9, arguably include the documents withheld by defendants in their second in camera submission. It is plaintiffs' position, however, that their summary judgment motion can be granted even without access to this material (Id. at 37), assuming of course that defendants do not rely on it in support of their motion.

judgment solely "on the record as it has been disclosed to the plaintiffs," and will not consider any materials heretofore submitted to the Court in camera by defendants which have not also been disclosed to plaintiffs. Plaintiffs' motion for access is therefore moot.

It is defendants' position that the Court must still rule on the asserted claim of privilege with regard to the undisclosed documents, because otherwise the Court's January 16, 1975 order would require disclosure to the plaintiffs. It is true that the Court ordered disclosure of documents "with respect to which a formal claim of executive privilege is not subsequently sustained by the Court." See Order of January 16, 1975. The present situation was not contemplated by that order, however. In the absence of any affirmative request for the documents withheld, disclosure is unnecessary. Whether plaintiffs subsequently determine it in their best interests to seek to obtain these documents, nondisclosure at the present time does not conflict with their present position regarding need for the documents. See footnote 1, supra.

In light of the foregoing, it is this 6th day of May, 1976,

ORDERED that plaintiffs' motion for access be and the same hereby is denied without prejudice to its reassertion at a later date.



Chief Judge

Counsel:

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Special Litigation Section
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United States Department of Justice
Washington, D.C. 20530

Attorney for Defendants

Assistant Attorney General
Criminal Division

Assistant Director - Legal Counsel
Federal Bureau of Investigation

THOMAS K. FORCADE, et al., v.
H. STUART KNIGHT, et al.
(U.S.D.C., D.C.)
CIVIL ACTION FILE NO. 1258-73

July 30, 1976

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1 - Legal Research Unit

By memorandum dated July 9, 1976, you transmitted to this Bureau copies of the memorandum and order entered in captioned civil action on July 7, 1976, and solicited our views concerning the appropriateness of an appeal of this decision.

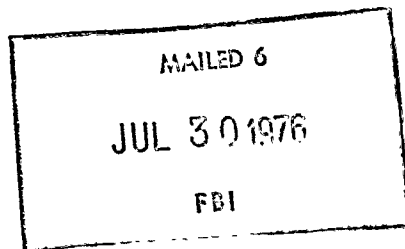
We have noted with interest the section on page 22 of the court's opinion to which you have drawn our attention concerning the circumstances which may require the disclosure of a confidential source if the Secret Service determines to base its decision to deny a White House press pass on evidence provided by a confidential source and disclosure of the identity of the source is necessary for the applicant to have an adequate opportunity to rebut or explain the evidence furnished by that source.

In Mr. Forcade's case, it would not appear that this decision would necessarily force disclosure of the identity of a confidential source inasmuch as the Secret Service has indicated that even without the informant information set forth on page 7 of the court's opinion, it would have denied Mr. Forcade's White House press pass based on his prior history and behavior. However, we would urge an appeal in this matter because of the implications of this order for future cases. If an informant furnished information which

Assoc. Dir. _____
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Dep. AD Inv. _____
Asst. Dir.:
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

PGD:kiw

(10)



(See NOTE, Page 3.)

MAIL ROOM ☒

TELETYPE UNIT ☐

Assistant Attorney General
Criminal Division

the Secret Service chooses to rely on in the future to deny an individual a White House press pass, this Bureau would be in the position of being unable to guarantee the security of an informant's identity because of the administrative action of another agency. Further, we would be faced with a choice between voluntarily exposing the identity of an individual to whom we have given a pledge of confidentiality or knowingly contributing to a risk to the President's security by asking the Secret Service not to use information necessary to bar an individual from the White House. We firmly believe that the Secret Service should be afforded considerable latitude in making decisions of this nature and that it may be well nigh impossible to delineate with exactness every characteristic of someone who might be a threat to the security of the President.

Another dimension to this problem is the fact that if this decision holds, we can envision an influx of requests for White House press passes from members of the radical literary community. Denial of White House press passes to such individuals would probably involve considerable informant information furnished by this Bureau and would make the above-mentioned disclosure problems immediate. It is possible that such individuals, realizing the strictures placed upon Secret Service, would apply for White House press passes for no other purpose than to utilize the court's ruling as a discovery tool to find out what the Government knows about them and possibly to force the disclosure of the identity of confidential sources.

Assistant Attorney General
Criminal Division

Finally, it is our firm opinion that the inability to guarantee the confidentiality of informants' identities in such matters will inevitably lead to a reduced flow of vital information from both established informants and the public at large.

If it is determined by the Department that an appeal would not be likely to succeed in this matter, we suggest that immediate steps be taken to secure further authority for absolute discretion by the Secret Service in such matters, in the form of an executive order or amendment to the appropriate statutes.

NOTE: Mr. Forcade brought suit against Secret Service because his application for a White House press pass had been denied. Forcade has been the subject of a security matter investigation for a number of years and his file included information indicating a violent nature and extremely erratic behavior. He was formerly a leader in the Youth International Party (YIPPIES). Specific information was furnished to the Secret Service from an FBI informant about Forcade's intention to bring a gun into the White House. The Judge's opinion in this case requires the Secret Service to formulate constitutionally narrow and specific, publicized standards for the granting or denial of a White House Press pass. If an applicant is denied, the applicant must, prior to the final decision, be informed of the evidence against him, the standards which the evidence contravenes, and the grounds for the contemplated denial. Further, he must be afforded an opportunity to rebut or explain the evidence or grounds upon which the contemplated denial is based. If after an

Assistant Attorney General
Criminal Division

adequate opportunity to rebut or explain, the decision is still adverse to the applicant, then the Secret Service must issue a written decision specifying the grounds and outlining the evidence for the decision. The court has given the Secret Service six months from the date of the order to formulate and publicize such standards, reconsider the plaintiff's application within the context of the standards, render a written decision and afford him an adequate opportunity to rebut or explain the evidence relied on.

APPROVED: _____
Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Serv. _____

Ext. Affairs. _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Inspection. _____
Intell. _____

Laboratory. _____
Legal Coun. _____
Plan. & Eval. _____
Rec. Mgmt. _____
Spec. Inv. _____
Training. _____

UNITED STATES GOVERNMENT

Memorandum

TO : Director
Federal Bureau of Investigation
Attention: Legal Counsel Division

DATE: JUL 9 1976

FROM : Richard L. Thornburgh
Assistant Attorney General
Criminal Division

SUBJECT: Forcade, et al. v. Knight, et al.
(D.D.C.) Civil Action No. 1258-73

Thomas K. Forcade

Please find attached copies of the MEMORANDUM and ORDER entered in the subject civil action on July 7, 1976, granting the plaintiffs' motion for summary judgment and requiring "that defendants within 180 days of the date of this Order, devise and publicize constitutionally narrow and specific standards for the issuance or denial of [White House] press pass applications, reconsider plaintiffs' applications within the context of the newly devised standards, and render a written decision specifying the grounds and outlining the evidence upon which they base the denial, if that be the decision, and affording plaintiffs an adequate opportunity to rebut or explain any evidence or grounds upon which they base the denial."

The Bureau's attention is especially invited to the first full paragraph on page 22 of the Court's MEMORANDUM which deals with circumstances which may require the disclosure of the identity of a confidential source if the agency determines to base its decision on the evidence provided by that source and disclosure of the identity of the source is necessary for the applicant to have an adequate opportunity to rebut or explain the evidence furnished by that source.

We would appreciate your views concerning an appeal in the captioned action. In order that proper consideration can be given to the appropriateness of such an appeal, please transmit your views to us by July 28, 1976.

ENCLOSURE

Attachments

AUG 10 1976

LEGAL COUNSEL



5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THOMAS K. FORCADE, et al.,

Plaintiffs

v.

H. STUART KNIGHT, et al.,

Defendants

Civil Action No. 73-1258

MEMORANDUM

Plaintiffs, Thomas Forcade and [REDACTED] bring this action challenging the refusal of defendants to admit them to White House press briefings and conferences. In their motion for summary judgment, they argue that their First Amendment right to gather information has been abridged by the discriminatory denial of press passes without apparent standards or compelling justification. They also argue that their Fifth Amendment procedural due process rights have been violated by the failure of the Secret Service to inform them of the reasons for their exclusion, to allow them an opportunity to be heard, or to apply identifiable standards in denying their applications for press passes.. They further argue that they are entitled to a de novo determination in this Court of the propriety of defendants' action. Plaintiffs ask the Court to declare unlawful defendants' refusal to grant them press passes and to enjoin the continuing refusal to grant accreditation to the plaintiffs.^{1/}

Defendants move to dismiss, arguing that the First Amendment does not give plaintiffs a right of entry into the

^{1/} When plaintiffs filed their motion for summary judgment on April 15, 1974, they requested that the Court compel defendants to produce certain requested documents if their motion was denied. Eventually, on January 31, 1975, defendants produced the entire file relating to denial of plaintiffs' applications, with a small number of deletions. Defendants then requested the Court to consider ex parte the deleted portions in determining the pending motions. Plaintiffs objected and moved for access to the deleted portions. On May 6, 1976, after representations by counsel that defendants would rely solely on the record made available to plaintiffs, the Court denied plaintiffs' motion for access without prejudice to its reassertion if plaintiffs be so advised. To this date, plaintiffs have not reasserted their motion for access.

White House and that summary procedures do not violate plaintiffs' due process rights. In the alternative, defendants contend that the Court should grant them summary judgment based upon the protective and investigative files submitted to the Court.^{2/}

II. PARTIES

Thomas Forcade is a reporter in the Alternate Press Syndicate (APS) which is an international news service that represents more than 200 subscribing newspapers. According to the complaint he has covered national political affairs since 1968, and, since 1971, has been APS's national affairs correspondent in Washington. He has been a member of the House and Senate Press Galleries since October, 1971, holds press credentials issued by the Washington, D.C. police department, and was accredited as a national reporter at the 1972 Democratic and Republican National Conventions. On January 20, 1972, plaintiff Forcade covered the President's State of the Union message from the press gallery of the House of Representatives.

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correspondent for The Nation. He has been a member of the House and Senate Periodical Press Galleries [REDACTED] has written more than 66 articles and numerous signed and unsigned editorials for The Nation and other magazines and newspapers; he

[REDACTED]
[REDACTED] It was also disclosed after this action was filed that [REDACTED]
[REDACTED] Motion for Summary Judgment.

The original defendants in this action were James J. Rowley, Director of the Secret Service, [REDACTED] the Director of the Secret Service, George P. Shultz, Secretary of the Treasury, and Ronald L. Ziegler, Press Secretary to the President. Pursuant to Rule 25(d), F.R.C.P., H. Stuart Knight, present Director of the Secret Service, William E. Simon, present Secretary of the Treasury, and Ronald H. Nessen, present presidential

^{2/} See note 1, supra.

press secretary, are automatically substituted for the named defendants.

III. FACTS

On May 28, 1971, plaintiff Forcade made written application to defendant Ziegler for a pass to attend White House press conferences and briefings. Plaintiff Forcade was informed in August 1971 that his application for a White House press pass would not be processed until he had become a member of the Senate and House Periodical Press Galleries. He received the Senate and House credentials in October 1971. It is not clear from the pleadings or the memoranda whether the receipt of these credentials was ever made known to the defendants.

After obtaining credentials for membership in the Periodical Press Galleries of the Senate and House of Representatives, plaintiff [] on May 3, 1966, was denied White House press credentials by the Secret Service. He has been told that his denial is continuing in effect.

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Neither plaintiff has ever received more than a minimal summary explanation for the denial of their applications. In a letter dated January 6, 1972, counsel for plaintiffs asked defendant Ziegler to explain if and why the plaintiffs had been denied press passes. Exhibit A to Complaint. In a letter dated February 11, 1972, defendant [] the Director of the Secret Service, responded that plaintiff [] had been denied accreditation on May 3, 1966, and that plaintiff Forcade had been denied accreditation on November 14, 1971. Exhibit B to Complaint. The only explanation given was that the passes were denied "for reasons of security." On June 26, 1972, [] [] Secretary of the Treasury, in a letter to plaintiffs' counsel, referred to two incidents that impliedly influenced the decision to deny the plaintiffs' applications for press passes:

For [] information, he has been arrested and fined for physical assault in the State of Florida. For Mr. Forcade's information, please refer him to the New York Times, May 14, 1970, p. 8.

Exhibit F to Complaint.

After failing to obtain documents explaining the denial of the press pass applications, plaintiffs appealed, in a letter dated September 17, 1972, to [REDACTED] to overturn the denials. Exhibit H to Complaint. On October 2, 1972, [REDACTED] refused to reverse the previous decisions and reiterated that the press pass applications were denied "for reasons relating to the security of the President and the members of his immediate family." Exhibit I to Complaint.

Defendants agree that plaintiffs met all requirements for the issuance of press accreditation except for a security clearance. Def's Statement of Material Facts ¶ 12. They also admit that plaintiffs' applications were summarily denied, that there were no written administrative regulations in effect at the time the requests by plaintiffs for press passes were denied, and that no similar regulations are in effect now. See Answer, ¶¶ 12, 20.

IV. DOCUMENTS PRODUCED JANUARY 31, 1975

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The FBI and Secret Service files produced by defendants (see note 1, supra) do not change the fundamental issues before the Court; however, they do provide substantial and helpful background to a determination of the issues. Deleted material, which is not included in the ensuing discussion, occurs only in the files applicable to plaintiff Forcade.

A. [REDACTED]

The decision to deny [REDACTED] application for a press pass was based upon two incidents, according to a May 3, 1966 memorandum addressed to Bill Moyers (then the presidential press secretary) from Special Agent in Charge Ronald C. Towns. The more serious incident involved an assault upon [REDACTED]

[REDACTED] Florida Governor Ferris Bryant, on October 6, 1964. According to the various reports of the Treasury Department Intelligence Division, [REDACTED] assaulted [REDACTED] without provocation in the hallway of the Florida State Capitol Building. [REDACTED] speculated that the reason for the assault was a response he had written to an earlier article by [REDACTED] in June 1964, in which [REDACTED] had

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stated that the [] article was substantially incorrect. According to [] accused [] of calling him a liar when he saw him in the hallway, and as the confrontation heated, [] struck [] on the jaw. [] was charged with assault and battery, he pleaded nolo contendere, and was fined \$200. The Secret Service interviewed [] Governor Bryant, the Tallahassee Sheriff's Department, but never, by written or oral communication, contacted [] to ascertain his version of the offense.

The second incident occurred in October 1962, when [] allegedly assaulted [] at a public hearing before the Texas House Migrant Committee. The plaintiff apparently skipped bond on charges arising out of the incident, has never been prosecuted for the incident, but will be if he ever returns to the State of Texas. The information regarding this assault was provided by [] three newspaper articles, and a telegram addressed to [] from the editor of a Lubbock, Texas newspaper. No other persons were contacted or interviewed to substantiate the incident, nor was plaintiff [] ever requested to submit an explanation of the incident.

Finally, at least twice in the files, charges that [] was "mentally unbalanced" were made, once by [] and once in a memorandum from one "eed" to Special Agent in Charge Wong. Neither charge is substantiated by any facts, analysis, medical opinion, or explanation. Plaintiff [] was never requested to comment upon the accusations.

B. Forcade

Unlike [] case, the reasons for denial of Forcade's application are nowhere specifically set forth. It is therefore difficult to determine which incidents in the rather voluminous records applicable to Forcade were used as a basis to deny the application.

Forcade has been known by at least three different names during the period from 1969 to 1974, which the FBI and Secret Service files encompass. His first arrest during that period was under the name Gary Kenneth Goodson on June 19, 1969 for

possession of LSD in Phoenix, Arizona. That charge was dismissed on November 10, 1969, for insufficient evidence. On November 13, 1969, Forcade again was arrested in San Diego for burglary and desecration of the American flag while attending a convention of underground press persons. Although the date is unclear, the charges were shortly thereafter dropped by the San Diego authorities. There is also an accusation that at the same convention Forcade became angered at one of the participants and hurled a glass of water at him. No charges evolved from that incident.

On May 13, 1970, at a hearing before the United States Commission on Obscenity and Pornography, when asked about his feelings about an issue, Forcade hurled a pie at Commissioner Otto N. Larson. He then read a prepared 1,000 word statement protesting the Commission's existence. No charges resulted from the incident.

During the demonstrations in Washington, D. C. in the summer of 1971, Forcade publicly stated that he planned to hold a "massive marijuana smoke-in" at the Washington Monument on July 4, 1971. No action was taken against Forcade for the statements and it does not appear in the record whether the "smoke-in" ever occurred.

The majority of the records produced concern Forcade's relationship with and activities in the Youth International Party (popularly known as the Yippies), the spin-off Zeitgeist International Party (popularly known as the Zippies), the Students for a Democratic Society (SDS), and the May Day Committee. It appears from the record that Forcade was an active member and leader within the Yippie movement until May 26, 1972 when he was expelled by a committee of the membership. Until that time, the records state that he had advocated the use of violence at the Democratic National Convention in Miami in 1972, and that he had stated on more than one occasion that the United States Capitol Building is "wide open for another bombing" similar to the celebrated restroom bombing that had earlier occurred. At the time of his expulsion from the Yippies, it was reported by an informant that he acted like "a wild man" and allegedly "carved up" a wall with scissors during the May 26 meeting. On May 30, 1972, Forcade and his followers attempted to physically penetrate the Yippie office in Miami, but were repulsed by a "wedge" formed by

Abbe Hoffman and his followers. The FBI reports also list several other instances during this summer period arising out of the Yippie/Zippie split which can only be characterized as pranks.

Three other criminal violations were allegedly committed by Forcade during the remainder of 1972. On August 23, 1972, Forcade was arrested after a van which he was driving was stopped by police. There were approximately 14 other persons in the van at the time, and the police found a five-gallon can of gasoline along with wax-and-wick devices which allegedly were incendiary devices for the gasoline can. On February 8, 1973, Forcade was indicted for violations of the National Firearms Act, 26 U.S.C. §§ 5861(c), 5871, arising out of the August 23, 1972 arrest. On March 29, 1973, the charges were dismissed by Judge Fay of the United States District Court for the Southern District of Florida after a two day trial for insufficient evidence. Second, on October 25, 1972, charges brought against Forcade for allegedly burglarizing a ten-foot high portrait of President Johnson were dismissed for failure of the complaining witness, the Democratic National Committee, to respond to a subpoena. Third, on October 12, 1972, Forcade was arrested in New York City for criminal trespass and harassment under the alias of Dennis Stuckey. The record does not show the disposition of those charges. It should be noted that the final decision of the Secret Service to deny Forcade's application preceded most of the reports concerning the National Firearms Act charge, as well as the criminal trespass charge.

The most serious allegation, which was unintentionally disclosed by defendants when the files were produced pursuant to the Court's January, 1975 Order, is contained in one of the FBI profiles of Forcade. That profile, dated January 24, 1972, under the heading "Education and Training," states:

This category is not known at this time. It is noted that the subject has allegedly stated that he intends to place a gun within a camera and gain access to the White House with the intentions of shooting the President.

Finally, throughout Forcade's file the following warning appears several times:

ALL INDIVIDUALS INVOLVED IN NEW LEFT EXTREMIST ACTIVITY SHOULD BE CONSIDERED DANGEROUS BECAUSE OF THEIR KNOWN ADVOCACY AND USE OF EXPLOSIVES, REPORTED ACQUISITION OF FIREARMS AND INCENDIARY DEVICES AND KNOWN PROPENSITY FOR VIOLENCE.

Nowhere in the file is there evidence that Forcade was requested to respond to any of the charges, or to explain his version of the events alleged. Nor is there any explanation of the events which the Secret Service considered sufficiently serious to warrant denial of plaintiff's application.

C. Wong Memorandum

Also included in the file relating to Forcade is a memorandum from Special Agent in Charge Wong (Technical Security Division) to "AD Kelley" (Protective Intelligence), entitled "Criteria for Denial of Entry -- White House." The memorandum states that "pre-entry investigations" are to be made "to determine whether the admission is clearly consistent with the interests of national security." It also outlines "some of the criteria" for barring entry to the White House:

Criminal, infamous, dishonest, immoral, notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, sexual perversion, mental instability, propensity for violence as shown by previous conduct, commission of any act of sabotage, espionage, treason, sedition, or attempts; preparation or conspiring with, or aiding and abetting, another to commit or attempt to commit any act of sabotage, espionage, treason or sedition.

Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist.

Advocacy of use of force or violence to overthrow the Government of the United States, or of the alteration of the form of government of the U.S. by unconstitutional means.

Intentional, unauthorized disclosure to any person of security information, or of other information disclosure of which is prohibited by law, or willful violation or disregard of security regulations.

There is nothing in the files, or in the record in this case, which discloses that these criteria were ever made public, made available to other members of the Secret Service, or made available to either of plaintiffs prior to or subsequent to denial of their press pass applications.

V. FIRST AMENDMENT CLAIM

Defendants, citing Zemel v. Rusk, 381 U.S. 1 (1965),

argue that no First Amendment right is involved here. In Zemel, a United States citizen whose passport application for travel to Cuba had been denied, argued that the denial abridged his First Amendment right to gather information. The Court rejected the argument, stating:

We must agree that the Secretary's refusal to validate passports for Cuba renders less than wholly free the flow of information concerning that country. While we further agree that this is a factor to be considered in determining whether appellant has been denied due process of law, we cannot accept the contention of appellant that it is a First Amendment right which is involved. For to the extent that the Secretary's refusal to validate passports for Cuba acts as an inhibition (and it would be unrealistic to assume that it does not), it is an inhibition of action. There are few restrictions on action which could not be clothed by ingenious argument in the garb of decreased data flow.

381 U.S. at 16-17. Defendants would apply this language to the instant case and argue that because their actions have inhibited the plaintiffs' action (in entering the White House) rather than their speech, no First Amendment right is involved.

To apply Zemel to the instant case in the manner contemplated by defendants would require an unfounded and overbroad interpretation of Zemel as well as a repudiation of subsequent case law. Zemel did not address or consider the problem of restrictions on the newsgathering ability of a member of the press. While it is true that a newsman has no constitutional right of access "beyond that afforded the general public," Pell v. Procunier, 417 U.S. 817, 834 (1974), it has been recognized that "newsgathering is not without its First Amendment protections." Branzburg v. Hayes, 408 U.S. 665, 707(1972). Newsgathering itself is "action" rather than "speech," but restriction of newsgathering necessarily restricts the freedom of the press to print the news.^{3/} After Branzburg and Pell, it cannot

^{3/} In Kleindienst v. Mandel, 408 U.S. 753 (1972), the Court held that the First Amendment was applicable to the government's decision to bar a nonresident alien academic from entering the country "to participate with [American citizens] in colloquia, debates, and discussion in the United States." 408 U.S. at 764. The Court distinguished Zemel by stating that where the attempted restriction, although facially applicable to the "action" of the nonresident alien (who was without first amendment protection), in effect infringed upon the "right to receive information" of the American citizens, the First Amendment applies to the government decision. 408 U.S. at 764-65.

legitimately be argued that newsgathering is unprotected by the First Amendment, and other courts have so held. See Borreca v. Fasi, 369 F. Supp. 906, 908-09 (D. Haw. 1974); Lewis v. Baxley, 368 F. Supp. 768, 777 (M.D. Ala. 1973) (three judge court).

It next must be determined whether defendants' actions violated plaintiffs' First Amendment rights. Before analyzing the applicable case law, it is important to note precisely what is at issue. Plaintiffs do not contend that reasonable restrictions cannot be placed on press access to the White House. Because the only articulated governmental interest at issue here is the safety of the President, there is no argument that restrictions based upon that interest cannot be imposed. Plaintiffs do contend, and this is the heart of their case, that restrictions based upon the need for presidential safety must be imposed in a nondiscriminatory manner and pursuant to specific, narrowly defined guidelines. With that in mind, the cases dealing with plaintiffs' contention will now be addressed.

In Consumers Union of U.S., Inc. v. Periodical Correspondents' Association, 365 F. Supp. 18 (D.D.C. 1973), rev'd on other grounds, 515 F.2d 1341 (D.C. Cir. 1975), cert. denied, _____ U.S. _____, 96 S. Ct. 780 (1976), Judge Gesell considered the constitutionality of the denial of a press pass application made by Consumers Union for access to the Senate and House Periodical Press Galleries. The major portion of Consumers Union's revenue is derived from its publication "Consumer Reports" and it was for this periodical that Consumers Union sought access to the Galleries for its reporters. The stated reason for the denial was Consumers Union's failure to meet the requirements of Rule 2 of the Rules Governing Periodical Press Galleries, which states that access must be denied to a publication which is not "owned and operated independently of any industry, business, association, or institution." 365 F. Supp. at 22. After determining that the case presented a justiciable controversy (a determination that the Court of Appeals later reversed), Judge Gesell upheld plaintiff's claim that the denial violated its First Amendment right to freedom of the press and its Fifth Amendment right to due process and equal protection

of the law. Recognizing that "reporters do not have an unrestricted right to go where they please in search of news," Judge Gesell nonetheless stated:

[T]he elimination of some reporters from an area which has been voluntarily opened to other reporters for the purpose of news gathering presents a wholly different situation. Access to news, if unreasonably or arbitrarily denied by congressional action or publishers meeting under congressional auspices, constitutes a direct limitation upon the content of the news.

365 F. Supp. at 25-26. The court concluded:

Exclusion of a publication from the galleries can only be sanctioned under carefully drawn definite rules developed by Congress and specifically required to protect its absolute right of speech and debate or other compelling legislative interest. [cites omitted] Such rules must, among other things, be so fashioned that due process is provided prior to exclusion, with opportunity for adequate impartial review wherever a publication is excluded. [cite omitted]

365 F. Supp. at 26-27.^{4/}

In Quad-City Community News Service, Inc. v. Jebens, 334 F. Supp. 8 (S.D. Iowa 1971), the police department in Davenport, Iowa, had denied press passes and access to police records, otherwise available to the press, to the reporters for "Challenge," an underground newspaper. At trial, the reasons given in support of the denial were that the newspaper was not a "legitimate" or "established" newspaper, and further, that certain of the paper's reporters had been convicted of felonies. 334 F. Supp. at 12. There was no written policy defining "legitimate" or "established" press, nor were there any written or published standards or guidelines for issuance of press passes. Id. Moreover, the record showed that prior to the litigation, the defendants had refused to give plaintiff any reason for denial of the press pass application, or to inform plaintiff how it could qualify for a pass. 334 F. Supp. at 16. The court found the discriminatory treatment violative of the First and Fourteenth Amendments because no

^{4/} The Court of Appeals, although not reaching the merits, intimated its disagreement with the application of these principles to the facts of the case. Specifically, it noted that the rule challenged did not disadvantage plaintiff relative to the public or press generally and that the distinctions established by the rule were applied equally. See 515 F.2d at 1346-47. It did not comment upon the problem of vagueness, which seemed to be the principal rationale for Judge Gesell's opinion, as the language quoted above indicates, and which is at the heart of the instant case.

compelling state interest was shown. Further, and more importantly for the purposes of the instant case, the court found the vagueness or nonexistence of any written standards or regulations governing issuance of press passes violated the plaintiff's First Amendment right to freedom of the press and its Fourteenth Amendment right to procedural due process. The court pointed out that plaintiff, as here, did not contend that the press has an unrestricted right of access to all records or public events, but instead argued that the decision to restrict could not be made in a discriminatory manner. In language directly applicable to the instant case, the court stated:

It must be apparent that where public officials in making decisions such as here involved, use [or] employ criteria or reasons that are either vague or completely unknown, the party affected has no way of knowing how to achieve compliance with the criteria nor even of challenging them as being improper. In such situations, the public officials literally have unimpeded discretion to regulate the activity in question in whatever manner they desire.

Regulation in the area of free expression can only be tolerated when a public official's discretion is guided by narrow and specific standards which advance a compelling state interest. [cites omitted]

334 F. Supp. at 17.

The Quaker Action litigation, involving four cases before the court of appeals for this circuit, affords further substantial guidance to resolution of the issues in the instant case, not only because it treats with First Amendment expression, but also because it analyzes and balances the governmental interest in the physical safety of the President. The Quaker Action litigation, originally commenced in 1969, involved the constitutionality of certain policies, and later regulations, instituted and enforced by the Department of the Interior concerning the issuance of permits for, and the size of, demonstrations near the White House. The policies/regulations required that a permit be obtained for gatherings at Lafayette Park and on the White House sidewalk, and also barred any demonstrations that would exceed 100 persons on the sidewalk or 500 persons in the Park. Several groups wishing to demonstrate in May 1969 were refused permits because they exceeded the size limitations. Judge Bryant issued a preliminary injunction, which was immediately appealed.

In Quaker Action I, ^{5/} the court of appeals affirmed the preliminary injunction, but modified it to require prior notice of a demonstration so that the Interior Department could seek a court order enjoining a particular demonstration. The modification was necessitated "[b]ecause of the peculiar sensitivity of one issue involved -- the safety of the President," which of course is central to the case before this Court as well. 421 F.2d at 1113. Addressing the "paramount interest" of the state in the safety of the President, the court made the following comments:

[T]he Government has injected an additional, and most important, element into the case by arguing that large demonstrations threaten the safety of the President. This, of course, is a paramount interest underscored in importance by the tragic assassinations in recent years. But we cannot agree with the Government's argument that mere mention of the President's safety must be allowed to trump any First Amendment issue. While courts must listen with utmost respect to the conclusions of those entrusted with responsibility for safeguarding the President we must also assure ourselves that those conclusions rest upon solid facts and a realistic appraisal of the danger rather than vague fears extrapolated beyond any foreseeable threat.

The Government suggests that the importance and delicacy of any decision affecting the President's safety requires this court to limit its review to a determination whether the decision was "wholly rational." We do not agree. . . . [A]bsent a compelling showing -- which has not been begun here -- that courts cannot evaluate the questions of fact involved in estimating danger to the President, the final judgment must rest with the courts.

421 F.2d at 1117-18.

In Quaker Action II, ^{6/} the court of appeals reversed Judge Hart's grant of summary judgment to the government in order that an evidentiary hearing be held to more fully develop the issues. The court was particularly concerned with allegations of discriminatory administration of the permit system, found by Judge Bryant to be supported by the evidence when he issued the preliminary injunction, but not addressed by Judge Hart in his judgment for the government. According to the court of appeals, "[t]he authority to prohibit picketing does not establish as a

5/ A Quaker Action Group v. Hickel, 421 F.2d 1111 (D.C. Cir. 1969).

6/ A Quaker Action Group v. Hickel, 429 F.2d 185 (D.C. Cir. 1970).

corollary the authority to establish unreasonable rules for determining which picketing will be permitted and which denied." 429 F.2d at 187. Further, the court was concerned with the factually untested assertions of the government that the 100/500 limitations were reasonable, especially in light of the fact that they were established, "not in a regulation or even public notice, but in an internal memorandum to subordinate officials administering the permit system." Id.

In Quaker Action III, ^{7/} the court again reversed a grant of summary judgment to defendants. Although Judge Hart initially had been disposed to conduct an evidentiary hearing as directed by the remand in Quaker Action II, the government argued that because the Secretary of the Interior had in the interim issued regulations -- superseding the simple policy directive included in the intra-agency memorandum -- the court's review was now limited to a determination of the existence of substantial evidence to support the regulations. Judge Hart agreed, and granted summary judgment for the government. The court of appeals reversed. In doing so, it reiterated that "incidental restriction on alleged First Amendment freedoms," resulting from attempted furtherance of a governmental interest, can be "no greater than is essential to furtherance of that governmental interest." 460 F.2d at 860. the Court further stated:

Of course the health and safety of the President are of concern to the citizenry. But this only poses, it does not answer, the question as to whether the officials involved have transformed this concern into an excessive preoccupation with security that is achieved at the unnecessary expense of First Amendment freedoms.

Id. Accordingly, the case was remanded for a trial on the merits regarding, among other things, "[t]he issues concerning the scope of the regulations and the need for their extent and restrictiveness." Id.

Finally, in Quaker Action IV, ^{8/} the court of appeals resolved the case on its merits. Essentially, it upheld the judgment of the district court, although modifying it in certain respects.

^{7/} A Quaker Action Group v. Morton, 460 F.2d 854 (D.C. Cir. 1971).

^{8/} A Quaker Action Group v. Morton, 516 F.2d 717 (D.C. Cir. 1975).

In doing so, the court set out the standards by which cases similar to the case before this Court must be judged. First, the court must find that the government "balance[d] the First Amendment rights against the other legitimate interests to arrive at a reconciliation that is both constitutional and an acceptable accommodation of all the factors." Second, the scheme constructed by the government must not "risk abuse of First Amendment rights through a broad censorship power or other improper application of theoretically acceptable restraints." 516 F.2d at 725. The restriction on expression must further an important or substantial governmental interest, the governmental interest must be unrelated to the suppression of free expression, and the incidental restriction on alleged First Amendment rights must be no greater than is essential to the furtherance of that interest. 516 F.2d at 725-26.

Particularly applicable to the instant case is the challenge by plaintiffs in Quaker Action IV to a regulation authorizing rejection of demonstration permits if "[i]t reasonably appears that the proposed gathering will present a clear and present danger to the public safety, good order, or health" The court of appeals found this regulation not to be vague or overbroad:

Given the uniqueness and importance of the security interest of protection of the White House as justifying a greater limitation than would be applicable generally to use of public streets and parks, we conclude that the Constitution is not offended by the standard in the regulation, limited as it is (1) to the presence of a clear and present danger, that is (2) confined to the need to protect public safety and public health (including in public safety the avoidance of disorder).

. . . .

The regulations before us do not extend to categories as amorphous as welfare, decency and convenience. And they do not define the granting of the permit in terms of the subjective judgment of the officials. The regulations before us are defined in terms of substantive criteria and the courts are open in the event of maladministration to hear the concrete evidence in support of such a complaint.

516 F.2d at 729.

The case presently before the Court is a prime example of the improper governmental action that Consumers Union, Quad-City Community News, and the Quaker Action litigation attempt to foreclose. To be sure, the interest asserted here by the

government -- protection of the physical safety of the President -- is a compelling, if not "paramount" interest.^{9/} Furtherance of that interest, however, when it conflicts with valid First Amendment rights, must be achieved through standards narrowly and specifically drawn to ensure that the subjective judgment of the officials does not result in unnecessary restriction, or abusive censorship, based upon an applicant's political tenets rather than the danger he poses to the President's physical safety. The only set of standards which have been made public are those contained in a memorandum from a special agent in charge to another Secret Service official. See page 10 supra. Those standards are extremely broad and vague, and it is questionable whether they would withstand constitutional scrutiny. Even if they could, however, there is no indication that they have been approved by the head of the agency, that they are uniformly followed, or that they are even known to other members of the agency. Moreover, it is clear that those standards were not made known to the plaintiffs or to any other person who might wish to obtain a White House press pass. In the absence of such a showing, the only "standard" advanced by the defendants which this Court could adjudge is "reasons of security." Accepting the fact that protection of the President permits "a greater limitation than would be applicable generally" to First Amendment expression, Quaker Action IV, supra at 729, the "reasons of security" standard advanced by defendants could not be broader, more vaguely worded, or pregnant with the possibility of agency abuse. As in Quad-City Community News, supra, it affords agency officials practically "unimpeded discretion to regulate the activity in question in whatever manner they desire." 334 F. Supp. at 17.^{10/}

Defendants would have the court uphold their action in denying plaintiffs' applications based upon the record as it has been disclosed to plaintiffs. See note 1, supra. If this were the appropriate task at this point, there would be ample justification

^{9/} "The Nation undoubtedly has a valid, even an overwhelming, interest in protecting the safety of its Chief Executive . . ." Watts v. United States, 394 U.S. 705, 707 (1969).

^{10/} This is not to say that the defendants have in fact abused their self-award discretion in the instant case. There are no facts in the record which would intimate that the reasons underlying the denial of plaintiffs' applications were other than danger to the physical security of the President.

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for reversing the decision with regard to plaintiff [redacted] particularly in light of the two relatively minor incidents relied upon by defendants, one of which is unsupported by any direct evidence of its nature or occurrence. Although there is more substantial evidence which might form a sufficient basis for the denial of plaintiff Forcade's application, much of the evidence is hearsay, none of it has been subjected to even the most rudimentary cross-examination, and in the absence of any standards, it is impossible for this Court to make a reasoned decision about the danger to presidential security posed by the actions of plaintiff Forcade.

Under Quaker Action I, supra, this Court must undertake a de novo review in determining the propriety of the agency action. To do so at this time, however, would be inappropriate. In order to undertake a proper de novo review, fully recognizing that "courts must listen with utmost respect to the conclusions of those entrusted with responsibility for safeguarding the President," Quaker Action I, supra at 1117, it is necessary first that the Secret Service -- which in the first instance possesses the requisite expertise in presidential security -- articulate in as precise terms as possible the standards for issuance and denial of White House press passes. See Women Strike for Peace v. Morton, 420 F.2d 597, 603 (D.C. Cir. 1969). Second, it is incumbent that a written decision by the defendants issue which applies the standards to the facts of each plaintiff's case, denotes the particular events or considerations supporting its decisions, and fully states the reasons why those events or considerations necessitate denial of the application. Only upon completion of this process would the court be sufficiently informed to render its de novo determination.^{11/}

^{11/} Remanding to the agency for further proceeding would, of course, result in substantial delay to both plaintiffs. It may be that upon review of either or both applications, defendants may reverse their earlier decisions. Moreover, a time limit can be placed upon the agency, for example, 120 days. In the absence of any quick reversal, however, the interest in the physical safety of the President mandates that the Court proceed with the utmost caution. As the Court of Appeals noted in Quaker Action I:

In a suit involving private parties, we might well find that such a failure of proof entitled the appellant [Government] to the consequences. But the safety of the President cannot be endangered merely because the Government has wholly failed to support its arguments.

The main thrust of defendants' argument is that summary decisions regarding press pass applications are not only proper but necessary because "[t]he matter is not subject to a formalistic determination and must be made on the basis of the special expertise gained by the Secret Service since 1902." Def. Mem. at 23. This, of course, overlooks the fact that the defendants have, at least internally, attempted to get general standards for ingress and egress to the White House. See Wong Memorandum, p. 10 supra. Moreover, such a statement is made in the absence of any proffered standards at all. There has been no attempt to publicly establish standards of any degree of specificity with a concomitant explanation of the defendants' inability to further narrow or specify them. Without even an attempt, it is difficult to accept the broad assertion of defendants in good faith.^{12/}

VI. FIFTH AMENDMENT

It only remains to determine the nature of the proceeding before the agency. In doing so, the two different theories of plaintiffs' complaint become somewhat merged. To this point, the discussion has centered upon the strictures of the First Amendment and their applicability to the instant case. The conclusion has been that defendants have not proceeded within these strictures, but that before any relief is granted plaintiffs individually, the agency must undertake certain actions to define the applicable standards, to apply those standards to the plaintiffs' cases, and to render written decisions in each case. Articulation and publication of applicable standards are required by the First Amendment to insure

^{12/} Although it is unnecessary to reach defendants' argument that summary control over access to the White House is permitted and authorized by statute, resolution of the argument would be adverse to defendants' position. There is nothing in either 3 U.S.C. § 202 or 18 U.S.C. § 3056, relied upon by defendants, that even implies that the authority of the Secret Service is unchecked by any procedural requirements, or that Congress intended that the Secret Service carry out its authorized duty without regard to First or Fifth Amendment rights. In the absence of explicit statutory authorization to preempt traditional constitutional guarantees, defendants' statutory argument must fall. See Greene v. McElroy, 360 U.S. 474, 496, 507 (1959).

that a government official does not have unbridled discretion in passing upon plaintiffs' applications; the application of the standard to the facts of this case, in a written decision, is necessary under the First Amendment to enable this Court adequately to discharge its duty of reviewing the agency decision de novo. Whether plaintiffs have a right to confront and cross-examine witnesses, to be informed of the evidence against them, and to rebut that evidence, is a question not answerable under the First Amendment. If plaintiffs possess such rights, it is the Due Process Clause of the Fifth Amendment which affords them.

Defendants' first contention is that the Due Process Clause does not apply to the instant case because plaintiffs have not been deprived totally of any opportunity for employment, but have only been barred from exercising their chosen profession in one arena, the White House. Plaintiffs respond that a partial but substantial impairment of their ability to carry out their employment constitutes a deprivation of due process requiring application of the Due Process Clause. The requirements of the procedural due process apply "to the deprivation of interests encompassed by the Fourteenth Amendment's protection of liberty and property." Board of Regents v. Roth, 408 U.S. 465, 569 (1972). And it is clear that "the right to follow a chosen profession free from unreasonable governmental interference comes within the 'liberty' concept of the Due Process Clause. Greene v. McElroy, 360 U.S. 474, 492 (1959); Shaw v. Hospital Authority of Cobb County, 507 F.2d 625, 628 (5th Cir. 1975); Gilmour v. New York State Racing & Wagering Bd., 405 F. Supp. 458, 459-60 (S.D.N.Y. 1975). It is immaterial whether the governmental interference amounts to a total preclusion from a chosen profession or only a partial interference with the free exercise of that profession. See Shaw, supra (denial of podiatrist application for staff membership at one of several hospitals); Gilmour, supra (denial of application to participate in harness races in New York). Here, plaintiffs have introduced uncontradicted affidavits that the denial of their press pass applications has been an "increasing impediment" to their professional work, by "greatly restricting" news sources in Washington, D.C. See Forcade Affidavits.

Plaintiffs are entitled to procedural due process. See Greene, supra; Shaw, supra; Gilmour, supra.

The next question is what process is due. "[C]onsideration of what procedures due process may require under any given set of circumstances must begin with a determination of the precise nature of the government function involved as well as of the private interest that has been affected by government action." Cafeteria Workers v. McElroy, 367 U.S. 886, 895 (1961); Arnett v. Kennedy, 416 U.S. 134, 168 (1974) (Powell, J., concurring). The government function involved here, protection of the physical security of the President, is of "paramount" importance. See Quaker Action I, supra. The government has a further interest in maintaining the confidentiality of its sources who provide it with information necessary to determine the danger that a particular individual might pose to the physical safety of the President. On the other hand, the particular plaintiffs now before the Court, and perhaps more importantly, the public at large, have an interest in nondiscriminatory access to White House press conferences and other privileges afforded the holder of a press pass. This interest is, of course, quite substantial, finding its roots in the First Amendment's guarantee of freedom of the press.

The conflict between these interests would arise only if the government in its decision to deny an application chose to rely in whole or in part upon information determined to be non-disclosable because coming from a confidential informant. Although the informant's privilege may preclude production of certain evidence or documents to a White House press pass applicant, the question remains whether the agency, in the context of this case, may base its denial of a press pass application on evidence, the nature or source of which is not disclosed to the applicant.

At this point, it is incumbent to remember that the private interest involved in this action is not merely that of an individual seeking to gather information. If that were the only interest, it might very well be that, considering the necessity for the ongoing protection of the President, the agency would not need to disclose the source of its evidence against the applicant. It is not merely the interest of one individual in seeking to gather

information which is at stake, however, for denial of White House access to differing viewpoints of the press deprives the public of the uninhibited, robust debate which is at the heart of the First Amendment.^{13/}

The substantial and fundamental importance of the private interest involved here only serves to underscore the need for application of the "relatively immutable" principle of our jurisprudence recognized in Greene v. McElroy, supra:

[W]here governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue.

360 U.S. at 496-97. The Court of Appeals has applied this principle in a case similar to the one at bar. In States Marine Lines, Inc. v. Federal Maritime Comm'n, 376 F.2d 230 (D.C. Cir. 1967), the court had to determine the procedural fairness of the self-policing system of the shipping industry. After determining that the industry was sufficiently infused with monopolistic tendencies, governmental regulation, and the public interest to require application of procedural due process, the court analyzed the various deficiencies in the self-policing system. Of prime concern to the court was the prohibition of disclosure to the shipping firm accused of improper practices of the name of the complainant or of any information considered by the factfinder which would tend to disclose the identity of the complainant. The court found that the system did not prohibit a factfinder "from basing its decision on evidence the accused has no chance to confront in original form." 376 F.2d at 240. States Marine's contention that the self-policing system conflicted with the principle of Greene v. McElroy was, according to the court, "well founded." Id. It ordered the case remanded to the Federal Maritime Commission for development of a new self-policing system that "provide[s] reasonable assurance

^{13/} As Judge Learned Hand has stated, the First Amendment

presupposes that right conclusions are more likely to be gathered out of a multitude of tongues, than through any kind of authoritative selection. To many this is, and always will be, folly; but we have staked upon it our all.

United States v. Associated Press, 52 F. Supp. 362, 372 (S.D.N.Y. 1943).

that a member will be penalized only on the basis of evidence it has an adequate opportunity to rebut or explain -- in other words, that the accused will in fact be treated fairly." 376 F.2d at 242.

This is not to say that the Secret Service would be required to disclose the identity of a confidential informant, either directly or through disclosure of information tending to reveal the informant's identity. But if the Secret Service chooses to base its decision to deny a press pass application upon evidence which has been obtained from a confidential source, it must provide the applicant with an "adequate opportunity to rebut or explain" that evidence. Whether this would require disclosure of the informant's identity can only be determined within the context of a particular case.^{14/} If it determines not to reveal the source's identity, and if such action would preclude an "adequate opportunity to rebut or explain," then the agency cannot base its decision on the evidence provided it by the source.

The Court need not further specify the scope of the procedures. It is sufficient to hold here that the Secret Service, within a reasonable period of time^{15/} after application for a press pass, must render a decision based upon narrow, specifically defined, and publicized standards. If the decision is to be adverse to the applicant, he must, prior to the final decision, be informed of the evidence against him, the standards which the evidence contravenes, and the grounds for the contemplated denial, and further, he must be afforded an opportunity to rebut or explain the evidence or grounds upon which the contemplated denial is based. If after an "adequate opportunity to rebut or explain," the decision is still adverse to the applicant, then the Secret Service must issue a written decision specifying the grounds and outlining the


^{14/} For example, in Forcade's case, it might not be necessary to reveal the identity of a confidential source within the camp of Forcade's followers, if the evidence related to the Secret Service was of a public nature -- such as the glass throwing incident at the San Diego convention in 1969 -- and could be rebutted without the need for cross-examination of the source. On the other hand, where the source was the only witness to an alleged statement or act of Forcade's, the need to cross-examine the source might require disclosure of his identity.

^{15/} It is contemplated that the standards to be promulgated will include time limitations.


evidence for the decision. The nature of the "opportunity to rebut or explain" need not be determined in any greater detail at this time. Whether the rebuttal need be oral or in writing will depend upon the facts of each case, depending upon, among other things, the importance of the issue of credibility and the nature of the offense which is the basis for the agency's decision. Not being immediately familiar with the entire range of issues or evidence which comes before the Secret Service, this Court should initially defer to the defendants to afford them an opportunity to determine and devise rules within which decision to issue press applications should be made.

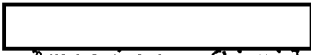
VII. CONCLUSION

From the foregoing the Court holds: (1) that defendants' failure to devise, publicize, and utilize narrow and specific standards for the issuance or denial of press passes infringes on plaintiffs' First Amendment right to freedom of the press; (2) that defendants' failure to inform plaintiffs of the evidence or grounds of the decision to deny their press pass applications, or to permit them an adequate opportunity to rebut or explain the evidence or grounds, violates their Fifth Amendment right to procedural due process; (3) that the case be remanded to the Secret Service to devise and publicize narrow and specific standards for the issuance or denial of press pass application, to consider plaintiffs' applications within the context of the newly devised standards, and to render a written decision specifying the grounds for denial, if that be the decision, after affording plaintiffs an adequate opportunity to rebut or explain any evidence or grounds upon which the agency bases its denial. An appropriate order is being entered simultaneously with this Memorandum.


CHIEF JUDGE

Counsel:


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Foundation
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American Civil Liberties Union
410 First Street, S. E.
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Attorneys for Plaintiffs

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[REDACTED]
Special Litigation Section
Criminal Division
Room 320 FTB
United States Department of Justice
Washington, D. C. 20530

Attorney for Defendants

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THOMAS K. FORCADE, et al.,)
)
 Plaintiffs)
)
 v. Civil Action No. 73-1258
)
H. STUART KNIGHT, et al.,)
)
 Defendants)

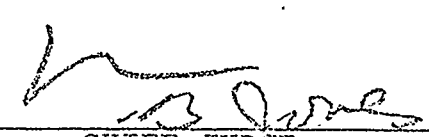
ORDER

Upon consideration of plaintiffs' motion for summary judgment, defendants' motion to dismiss or in the alternative for summary judgment, the memoranda and exhibits submitted in support thereof and in opposition thereto, and in accordance with the Memorandum of the Court entered this same day, it is this 7th day of July, 1976, without a hearing pursuant to Local Rule 1-9(f),

ORDERED that plaintiffs' motion be and the same hereby is granted; and it is further

ORDERED that defendants' motion be and the same hereby is denied; and it is further

ORDERED that defendants within 180 days of the date of this Order, devise and publicize constitutionally narrow and specific standards for the issuance or denial of press pass applications, reconsider plaintiffs' applications within the context of the newly devised standards, and render a written decision specifying the grounds and outlining the evidence upon which they base the denial, if that be the decision, and affording plaintiffs an adequate opportunity to rebut or explain any evidence or grounds upon which they base the denial.


CHIEF JUDGE

ENCLOSURE

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SS C.

SS PI

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Justice

F.B.I.

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UNITED STATES GOVERNMENT

Memorandum

TO :

FROM :

SUBJECT: THOMAS K. FORCADE, ET AL., V.
H. STUART KNIGHT, ET AL.
CIVIL ACTION NO. 1258-73

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Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Rec. Mgnt. _____
Spec. Inv. _____

PURPOSE:

To advise of proposed participation of Bureau representatives at Office of General Counsel, U.S. Treasury Building, on 7/16/76, concerning adverse ruling in U.S. District Court on captioned lawsuit.

SYNOPSIS:

A conference will be held at the Office of General Counsel, U.S. Treasury Building, on 7/16/76, which will include representatives from U.S. Department of Justice, General Counsel, U.S. Treasury Department, and Secret Service for purpose of discussing the adverse ruling and necessity for an appeal from a decision in U.S. District Court, Washington, D. C., on captioned case. Justice Department requested presence of Bureau official from the Intelligence Division, accompanied by representative of the Legal Counsel Division, to discuss the effect the court's decision will have on the Bureau's agreement with Secret Service concerning the dissemination of information.

Forcade's application for a press pass to The White House had been denied and he brought suit against Secret Service (Bureau not a party). Secret Service denied him access to The White House based primarily on information disseminated to them from the Bureau. Some of the information provided Secret Service would identify a Bureau informant, but the court has ordered Secret Service to prepare specific narrow standards for issuance of press passes which would not be discriminatory and would be publicized. Applicant for White House press

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HPB:bmf
(8)

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Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

Memorandum to [redacted]
Re: Thomas K. Forcade, v.
H. Stuart Knight
100-469538

pass will be entitled to disclosure of information and provided an opportunity to rebut any information which is used to deny the pass. This procedure could affect the disclosure of Bureau informants, and Justice Department requested presence of Bureau official familiar with the dissemination of information to Secret Service and protection necessary for informants.

RECOMMENDATION:

It is recommended Special Agent [redacted] Unit Chief, IS-2 Section be designated to represent the Bureau at 7/16/76 conference at U.S. Treasury Building. SA [redacted] Unit supervises the Forcade matter.

*Representative of Legal
Counsel Division should
also attend*

DETAILS:

APPROVED:	Ext. Affairs.....	Laboratory.....
Assoc. Dir.....	Fin. & Pers.....	Legal Coun..... <i>ml/84F</i>
Dep. AD Adm.....	Gen. Inv.....	Plan. & Eval.....
Dep. AD Inv..... <i>BA/pur</i>	Ident.....	Rec. Mgmt.....
Asst. Dir.:	Inspection.....	Spec. Inv.....
Adm. Serv.....	Intell..... <i>ml/84F</i>	Training.....

On 7/15/76, [redacted] Criminal Division, U.S. Department of Justice, advised that a conference was planned at the Office of General Counsel, U.S. Treasury Department, U.S. Treasury Building, at 3:00 p.m., 7/16/76. [redacted] requested an official of the Bureau, accompanied by a representative of the Legal Counsel Division, attend this conference. The conference will discuss an adverse ruling issued by U.S. District Court for the District of Columbia on 7/7/76. It will be necessary to decide whether to appeal this adverse decision. [redacted] indicated that an official from the Intelligence Division would be necessary to discuss the Bureau's agreement with Secret Service concerning the dissemination of information. The conference will be general in nature and will be designed to ascertain if the court's ruling will have any adverse effect on the dissemination of information to Secret Service.

Memorandum to [redacted]
Re: Thomas K. Forcade, v.
H. Stuart Knight
100-469538

Thomas K. Forcade brought suit against Secret Service because his application for a press pass to The White House had been denied. Secret Service denial was based primarily on information disseminated to them from the Bureau. Forcade had been the subject of a security matter investigation for a number of years, and his file included information of a violent nature and extremely erratic behavior. He was formerly a leader in the Youth International Party (Yippies). Information which was provided Secret Service was also released in the disclosure proceedings in connection with this lawsuit. However, specific information about Forcade's intention to bring a gun into The White House was protected because it would disclose an informant. The judge's ruling required Secret Service to prepare specific narrow standards for the issuance of press passes to The White House. These standards are not to be discriminatory and are to be publicized. If a press pass is denied, the applicant for the press pass will be entitled to disclosure of the information used to deny him the press pass. He will be entitled to rebut this information and will be entitled to recourse against Secret Service if their denial is deemed improper. This type of procedure could affect the disclosure of Bureau informants. In Forcade's case, there is one informant in the Detroit Office who needs continued protection. This informant is the one who claimed Forcade stated he would conceal a gun in his camera and shoot the President upon gaining access to The White House.

The Bureau representative will be expected to generally discuss the agreement with Secret Service on the dissemination of information and the need for continued protection of Bureau informants. [redacted] indicated that a Bureau representative seemed essential to insure that all Bureau interests would be properly presented at this conference.

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UNITED STATES GOVERNMENT

Memorandum

FEDERAL GOVERNMENT

TO : Director
Federal Bureau of Investigation
Attention: Legal Counsel Division

DATE: December 2, 1976

FROM : Richard L. Thornburgh
Assistant Attorney General

145-3-1308

RLT:GWC:RJSher:mpk

SUBJECT: Criminal Division

Forcade, et al., v. Knight, et al.,
(D.C.Cir. No. 76-1945)

With reference to our memorandum to you of July 9, 1976, regarding an appeal of the District Court's Order of July 7, 1976, please find enclosed one copy of the Appellants' Brief and Appendix which were filed in the Court of Appeals on November 29, 1976.

We will send you copies of the plaintiffs-appellees' brief, and appendix if any, when received in this office.

FP-105

REC-2

100-429537-232

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ENCLOSURE



DEC 14 1976

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan